

May 26, 2003

Jeanne Fox, Director
US Environmental Protection Agency (EPA)
Region 2
290 Broadway
New York, N. Y. 10007-1866

-and-

Barry Hill, Director
Office of Environmental Justice
US Environmental Protection Agency (EPA)
1200 Pennsylvania Ave., N.W.
Washington, D. C. 20460

Re: REQUEST FOR INVESTIGATION
Apparent violations of the law endangering an Environmental
Justice community
in connection with NJ DOT Project #33(9A), the widening of
Corlies Avenue in Neptune, N. J.

Dear Ms. Fox and Mr. Hill:

I bring to your urgent attention a very serious, as yet unaddressed situation in my lower-income, racially-mixed neighborhood that will shortly place hundreds of families in grave danger. The enclosed packet begins with 9 charges of violation and fraud against the Township of Neptune, the NJ Department of Transportation, and others. I believe that items 1, 2, 3, 4, 5, 6 and 9 relate especially to your Agency. The rest of the papers in the packet are corroborating documents -- of which I have a great many more, and would be glad to share them with you.

We hope this letter request will suffice; however, if your Complaint procedure requires specific forms, addressed to specific persons, we ask that you send us the forms by return mail, with instructions. Also please share this letter and enclosures with anyone you please. [I write especially to Mr. Hill because I believe we met several years ago at the Environmental Negotiation Training at the Charles Hotel in Boston].

Project #33(9A) is going forward this year on a fast-track. The Project Manager, [REDACTED], is fully aware that the half-mile right-of-way is heavily contaminated with petrochemicals from at least 4 gas stations. Yet they have not followed State law designed to protect our neighborhood [see Item #2 and Document #3 in the enclosed packet].

Moreover, by a radical 1999 change in this 45-year-old plan, they deliberately avoided the Environmental Impact Statement (EIS) process which we understand constitutes the Federal protections. The highway to be widened goes right down the middle of hundreds of small, one-family homes belonging to lower-income people. [We already have a dozen cancer cases on only the western third of my street, Tenth Avenue].

They are taking over 70 homes by eminent domain, mine among them, for the widening of Route #33 (Corlies Avenue) -- and as you will note in Item #6, many of these takings were done using Community Development Block Grant funds!

And there is no protection for our health, safety and welfare when excavation begins -- both on the widening and on additional work to be "piggybacked" on the project by Neptune Township (repair of water mains and sewer lines).

Mr. John Kushwara was kind enough to visit us here on June 29, 1999; hearing our story, he told us to "Look for the Environmental Impact Statement: there has to be one." That statement triggered our investigation into the EIS process. We learned that the EIS process in this case has been deliberately derailed. See Item #3 and supporting documents. [A local reporter photographed Mr. Kushwara: I will try to find the clipping with the photograph].

Our neighborhood is suffering horribly from local and State government actions: e.g., a 1989 oilspill we were never told about; continued lead endangerment from a dilapidated elementary school closed in 1986, with many violations and no Code enforcement; and now they seek to plow us under to bring in business. With no concern for our lives and health.

Perhaps timely action on your part, as a protective government agency, can save us. I will be happy to meet with you any time, any place, and share with you the many documents that I've collected in years of File Reviews at State and local agencies.

Please contact me as soon as you can.

Sincerely,

A large black rectangular redaction box covering the signature of the sender.

cc: Mr. John Kushwara
Acting Chief, US EPA, Region 2

SUMMARY OF ACTIONS BY THE TOWNSHIP OF NEPTUNE, THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION, AND OTHER
PROMOTERS OF NJ DOT PROJECT #33(9A),
THAT WE BELIEVE REQUIRE A FULL AND IMMEDIATE
INVESTIGATION, WITH PARTIAL DOCUMENTATION
[additional documentation upon request].

WE BELIEVE THESE ACTIONS CONSTITUTE VIOLATIONS OF THE
LAW, FRAUD, AND MISAPPROPRIATION/MISUSE OF GOVERNMENT
FUNDS.

April 26, 2003

Contact person:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

WE ASK THAT YOU IMMEDIATELY INVESTIGATE the following facts and omissions by governmental bodies involved in Project #33(9A) of the New Jersey Department of Transportation [NJ DOT], the widening of Corlies Avenue [Route #33] from Route #35 to Route #71 in Neptune Township, New Jersey:

- 1] VIOLATION: We are an "environmental justice" neighborhood as defined in President Clinton's Executive Order #12898: lower-income, racially mixed. Thus we are entitled to specific protections as set out in An Overview of Transportation and Environmental Justice, to be found on the Internet at <http://www.fhwa.dot.gov/environment/ej2000.htm>
Nothing was done to protect us -- not by any of the responsible agencies.

The entire project right-of-way (ROW) has long been known to be heavily contaminated with petrochemicals. See DOCUMENT #1 taken from the NJ Department of Environmental Protection's 2001 book of "Known Contaminated Sites." DOCUMENT #2 shows the NJ DOT's awareness of the contamination.

- 2] VIOLATION: In 1989 the Commissioners of NJ DOT and the NJ DEP signed a Memorandum of Understanding within a 16-page "STANDARD OPERATING PROCEDURE FOR MANAGING SOIL/GROUNDWATER ISSUES" [the SOP]. See DOCUMENT #3. It applies where, as here, the NJ DOT plans to dig into contaminated ground, to protect citizens' lives and health.

The planners admit that the entire ROW is badly contaminated and that the SOP document applies. Until this writer got hold of a copy of the SOP and made it public, NJ DOT was ignoring it. They may now give it lip-service or conform with a few of its provisions. But the SOP establishes a Flow Chart, with alternatives depending on what conditions of contamination are found. To comply with the SOP now, the planners would have to go back and begin again. Yet the project is going forward now, with 13 more property acquisitions by August, 2003.

- 3] FRAUD: The Federal protection for our lives and health in these circumstances is the Environmental Impact Statement (EIS) process. The planners have deliberately derailed this process. They accomplished this on 3/1/99 by passing Resolution #99-151, DOCUMENT #3-A. This Resolution radically changes the project, from the addition of two lanes to the addition of two shoulders. Ostensibly, this change was made for "traffic safety." But at the public meeting on March 1, 1999, project promoters were more candid: the change would avoid the need for updated traffic studies (Congestion Management Studies, CMW) otherwise required by the Fed. This, they said, would avoid an 18-month delay. The change was in name only, not in project dimensions: DOCUMENT 8-B.

What they did NOT tell us was that the change would also obviate the need for the Environmental Impact Statement. [They knew this, and spoke in meetings, in general terms, about avoiding environmental problems]. Shortly after Resolution #99-151 was passed, the Categorical Exclusion Document was signed. DOCUMENT #4. The CED is only appropriate in the total absence of any environmental impact. DOCUMENT #4-A.

Thus Project #33(9A), with Neptune's water-main and sewer work "piggy-backed" upon the NJ DOT work, is going forward with no protection for us against serious disease from the excavation and stockpiling of dangerous chemicals.

- 4] VIOLATION: . . . are a seaside resort subject to CAFRA laws and regulations; see page 3 of the Categorical Exclusion Document [DOCUMENTS #4]. Despite numerous OPRA requests, we have seen no evidence of CAFRA compliance.
- 5] VIOLATION: There are Clean Air issues noted on the 2nd page of the Categorical Exclusion Document. New Jersey is a nonattainment zone for ozone under EPA standards. Despite numerous OPRA requests, we have seen no evidence of compliance with the Clean Air Act.
- 6] VIOLATION: Despite State and Federal regulations and guidelines urging citizen participation, the public has had little or no input and many citizens oppose the project. It is purely politician-driven and it is now on a fast track -- having been delayed many times since its inception in the early 1960s. The rationale being given is "traffic safety." But traffic problems change a lot in almost 50 years. The planners are using studies that are nearly 20 years old.

We began to look for other underlying reasons. We looked at the Storch Engineering "Preliminary Engineering Study Report for the Widening of Route #33 (1953) Section 9A" dated November 1994 and revised April 1996. In Appendix E we found Neptune's in-house memorandum of 3/18/81 reciting that NJ DOT

has given the . . . project its lowest priority (Priority #3), which in effect means the project is in suspense.

A few months later (7/14/81), trying for a higher priority, the Clerk-Administrator of Neptune Township wrote a letter to the Assistant Commissioner of NJ DOT. This is paragraph 4:

The Route 33 widening project is one that has been pending for some years now, and in anticipation of same, the Township has committed (sic) over \$500,000. of CDBG Funds to help revitalize this area. All future CDBG applications are conditioned on this project, and it is the concern of the government body that should this project be shelved, Neptune Township could suffer a decrease in the funding levels now being received.

[See DOCUMENTS #5]

We searched Neptune/CDBG files at the County Community Planning Office in Freehold, in the Hall of Records Annex; and the archives at Manalapan Library. We found that this substantial and recurring HUD funding can be used in a variety of ways as determined by each municipal government. But they target income-eligible areas and the Fed insists that the funds must primarily benefit low- to middle-income persons.

DOCUMENT #6, obtained on 4/24/2003 from the County Planning Office, summarizes all of the Neptune CDBG projects from 1975, when the program began, to the present. Neptune has used its CDBG money for basically three kinds of projects:

[and note they have concentrated on the Bradley Park/Midtown area, as indeed they must since our lower incomes make us CDBG-eligible]:

street improvements
acquisition, demolition, relocation
housing rehabilitation¹

Have the street improvements been done for the benefit of the present residents? We believe not, in view of the many homes being demolished, and the many families being displaced, along with the street improvements. See DOCUMENTS #7, especially #7-2 and #7-8. We believe the street improvements are being done in anticipation of the influx of commercial establishments where our homes once stood.

There is much evidence that Neptune is working to transform our residential community into a "business downtown", as part of the "ratables chase", and that the real beneficiaries of the street improvements will be for-profit developers and corporations.

Neptune government since 1975 has consistently used CDBG funds to take away poor people's property under the harsh government power of Eminent Domain; to displace the residents and demolish or board-up their homes [in a highly inflated real estate market with very scarce affordable housing]. The impact has clearly been oppressive on the people and destructive of their community. Eviction from one's home of many years is not a benefit. And it is still going on.

It smacks of corruption that these planners and politicians, while avowing to County CDBG funders that, Oh yes, their projects will benefit the "low/mods", have been using these well-intentioned dollars to invade and capture property in a manner not significantly different from the Roman hordes or Attila the Hun, except that the Neptune stratagem is cloaked in legality.

DOCUMENTS #7 are culled from a great many evidences of the Township's real intentions. Township Government is pursuing a mysterious "Midtown Revitalization Project" of which CDBG knows nothing. There is also a plan ironically entitled "Neptune Township Midtown ^{Neighborhood} Preservation Program" and a "Neptune Township Midtown Neighborhood Empowerment Plan" [more irony]. There are new changes to the Zoning Map and the Master Plan. There is a November 2002 "Redevelopment Zone Map" which opens up more than 1/3 of the Township to Eminent Domain for the benefit of private developers! See DOCUMENT #7-8. In her news article (DOCUMENT #7-1), Mayor Patricia Monroe ecstatically reveals her visions for our property. Already, parcels in the ROW that once held homes are being transferred to corporations.

¹In the CDBG/Neptune files we found no details about moneys allegedly spent on "housing rehabilitation." Virginia Edwards of the County Planning Office explained that these records are confidential under the Privacy Act. Thus we must take it on faith that "housing rehabilitation" was actually done.

[We should note parenthetically that, in these times of economic downturn, Neptune "revitalization" is as likely to fail as it has done so tragically in our sister city, Asbury Park. Al Pacino's movie "City By the Sea" was filmed on location in Asbury Park. It shows the horrors of failed "redevelopment": unkempt vacant lots, boarded-up homes, displaced people and a truly blighted, crime-ridden "war zone" landscape.

Neptune's ambitious 19-building Garden State Hi-Tech Park has already stalled, probably permanently, just after they cut down the trees and paved a piece of road. One of that project's developers, [REDACTED], is being investigated by the FBI and the U. S. Attorney, along with Neptune businessman [REDACTED], for fraud and corruption. See the many Asbury Park Press articles available on the Internet.]

- 7] FRAUD: Having changed from lanes to shoulders [see item 6 above], thus avoiding the CMS requirement for updated traffic studies, the planners seem to be basing the "need" for Project #33(9A) primarily on projections to the year 2018, when the Township apparently expects to have replaced the homes with businesses; see DOCUMENT 10, a 1/18/99 letter to NJ DOT from their traffic consultant in which the consultant advises that

[p]rojected future traffic volumes were developed using the land use study prepared in the original CMS report for the newly generated traffic resulting from development and redevelopment of properties along the corridor.
DOCUMENT 10

[REDACTED], the Project Manager, told us that he had seen a 1980s traffic study that showed a decrease in volume, but that they were "projecting 20 years into the future."

Also see the three separate and distinct "Route 33 Traffic Analysis" documents produced by the consultant, URS Geiner Woodward Clyde of New York City, on December 9, 1998; January 4, 1999; and March 4, 1999, apparently produced to justify on "traffic safety" grounds the change from lanes to shoulders. They are too voluminous to reproduce here, but are available upon your request.

Thus there may be no present need for this costly project. Updated traffic studies should be required.

Another kind of FRAUD on the part of the prompters has been to lump together intersection accidents and accidents along the half-mile stretch of roadway. They are different.

- 8] FRAUD: This is part of Item #6 above, but I give it a separate classification as a different kind of misappropriation of HUD's CDBG funds.

DOCUMENT #6 suggests that in 1979, 1980 and 1981, Neptune sought and received CDBG moneys in part for a proposed Community Center

in our area. We learned from the Archives at Manalapan Library that this Community Center was to have occupied Block 198, Lots 773-776, which is where Huntington Avenue meets Myrtle Avenue. [As a citizen, I knew nothing of this].

There is nothing at that site today but a shack and an empty lot. Other than the Senior Center (1987, see DOCUMENT #6) I know of no other Community Center in our area. When I asked the Township Committee at their last meeting on 4/14/2003, Committeeman Krimko told me they had "considered it from time to time."

There may be some explanation for this, but it certainly needs to be looked into.

- 9] EVIDENCE OF THE TRUE INTENT OF THE TOWNSHIP GOVERNMENT: In destroying people's homes, the Township purported to be curing "blight" and upgrading the neighborhood.

The most glaring "blight" upon our neighborhood has been the closed Bradley Park School. This elementary school was closed in 1986, ostensibly for uncorrectable asbestos and lead contamination. It was sold to two out-of-town real estate speculators/developers for \$100,000 [it's a 75,000 sq. ft. property fronting on three streets]. The new owners failed to maintain it. There are 20+ obvious Code violations and no doubt many more inside. There is no enforcement.

In an area where children have no place to play, the big playground remains fenced-in and unkempt. For many years, children congregated in the front yard and sat on the steps in flaking, powdering lead paint chips. [There is now a chain-link fence closely surrounding the building].

After many years of the neighbors' grassroots activism, with news articles and TV segments to help us, the Township has finally commenced a legal process to raze the school and make a playground for the children. But after almost 2 years, the eyesore still stands. This will be the 17th summer that our children will have to play in the street.

DOCUMENTS 9 are selected clippings and flyers from our long struggle to get our Township Government to do something about Bradley Park School and about our children's lack of space for recreation.

IN SUMMARY:

IT IS UNACCEPTABLE THAT NEPTUNE GOVERNMENT SHOULD HAVE IGNORED FOR MANY YEARS THE HEALTH, SAFETY AND WELFARE OF MIDDLETOWN.

IT IS UNACCEPTABLE THAT NEPTUNE GOVERNMENT NOW ACTS TO DESTROY OUR LOW-INCOME, RACIALLY DIVERSE, LONGSTANDING RESIDENTIAL NEIGHBORHOOD TO GIVE OUR LAND TO THEIR FAVORED DEVELOPERS.

IT IS OUTRAGEOUS THAT THEY SHOULD BE ALLOWED TO DO THIS USING FEDERAL/HUD/CDBG MONIES INTENDED TO ENHANCE OUR HEALTH, SAFETY AND WELFARE.

FROM 2001 EDITION,
 "KNOWN CONTAMINATED SITES" {PUT OUT BY N.J. DEP}

KCS-NJ County - Municipality Listing (2001 Edition)

County and Municipality: MONMOUTH

NEPTUNE TOWNSHIP

A SITES WITH ON-SITE SOURCE(S) OF CONTAMINATION

Site Name Contact	Case Number	Site Address Case Status	- Status Date	Site Identifier Control/Remedial Action Type
MAIN STREET & STOCKTON AVENUE BUST	0245955	MAIN ST & STOCKTON AVE ACTIVE	- 3/22/93	NJL000059576
MIDLANTIC BANK PARKING LOT BUST	0326685	60 NEPTUNE BLVD ACTIVE	- 4/20/99	NJL800143174
NEPTUNE SEWAGE PUMP STATION BFO-S	930541	RIVERSIDE DR S PENDING	- 5/17/93	NJL880000575
NEPTUNE TOWNSHIP MUA PUMP STATION BFO-S	930764	LAIRD AVE PENDING	- 7/6/93	NJL000063149
NEPTUNE TOWNSHIP SANITARY LANDFILL BFO-CA	930673	BANGS AVE W PENDING	- 6/25/93	NJD980773774
NJ BELL TELEPHONE NEPTUNE TOWNSHIP BUST	0066279	1111 11TH AVE ACTIVE	- 3/26/91	NJD980652549
NJ DOT ROUTE 33 SECTION 9A BUST	NJL800531253-001	RTE 33 ACTIVE	- 11/19/99	NJL800531253
OCEAN GROVE HARDWARE BUST	0236351	51 MAIN AVE ACTIVE	- 1/13/93	NJL600156574
PARK CHEVROLET INCORPORATED BFO-S	200005230	2100 RTE 66 PENDING	- 5/17/00	NJL880003702
QUALITY SERVICE STATION BUST	0078780	708 RTE 35 S ACTIVE	- 2/9/00	NJL800528325
SHARK RIVER HILLS MARINA BUST	0041384	149 RIVERSIDE DR S ACTIVE	- 7/9/96	NJL800201634
SHELL SERVICE STATION NEPTUNE TOWNSHIP BUST	0047153	FORTUNATO PL ACTIVE	- 4/12/90	NJD986588325
SUNOCO SERVICE STATION NEPTUNE TOWNSHIP BUST	0148250	3321 RTE 33 W ACTIVE	- 3/14/94	NJD986571974
SZOKE COMMUNITY BUILDING BUST	0322887	10 RTE 35 ACTIVE	- 7/24/98	NJL800393779
TELREX BUST	200007126	216 RTE 35 PENDING	- 7/12/00	NJL800386948
WELSH FARMS BUST	0190938	703 OLD CORLIES AVE ACTIVE	- 9/5/90	NJL600121339

48 SITES WITH ON-SITE SOURCE(S) OF CONTAMINATION

IN NEPTUNE TOWNSHIP

DOCUMENT 1

SITS: ROUTE 35 TO ROUTE 71 (CORLIES AVENUE)
DESCRIPTION: INTERSECTION IMPROVEMENTS AND POSSIBLE WIDENING
REGION: 3 LEAD UNIT: SIGN 3 PRIORI (# IF LOCAL AID):
COUNTY: MON TOWN: NEPTUNE TWP
FEDERAL #: JOB #: 8710180 FEMIS #:
FEDERAL CONSTRUCTION: JOB CONSTRUCTION:
ADVERTISE DATE: / / CONSTRUCTION END DATE: / /

DBNUM: 170 HW PROJECT MANAGER: THOMAS/MOORE
DATE OF HAZARDOUS WASTE SCREENING: 09/23/88
UST SITES: 8: VAR IMPACTS
ECRA SITES: NONE
LANDFILLS: NONE
ASBESTOS: Possible
CHROMIUM SITES: NONE
PERMITS: NONE
MISCELLANEOUS: NONE
STATUS: UST
RESOLUTION DATE OF H.W. ISSUES: / / CODE: NO-SCH
REMARKS

COMMENTS: Several UST displacements are possible. Rescreening needed.

An updated evaluation of the project area was done by Storch Engineers on 7/10/96. A further assessment was done on 12/17/96 by BES (Moore). Of the eight UST sites in the corridor, Phase 1 plans appear to show only four will be affected by the project. Amoco and Exxon stations at the Rts 33 & 35 intersection and an Exxon and former Gulf at the Rts 33 & 71 intersection all have DEP enforcement cases and appear to be in the proposed ROW.

Preliminary indications are that sampling will be needed for these sites. A final determination will be made once DEP files have been reviewed and more detailed plans have been examined.

**STANDARD OPERATING PROCEDURE
FOR MANAGING SOIL / GROUNDWATER
CONTAMINATION ISSUES**



**N.J. DEPARTMENT OF TRANSPORTATION
N.J. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

JUNE 1989

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION

This Memorandum of Understanding by and between the New Jersey Department of Environmental Protection (hereinafter "NJDEP") and the New Jersey Department of Transportation (hereinafter "NJDOT") is executed pursuant to the provisions of N.J.S.A. 13:1D-1 et seq., and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the Environmental Cleanup Responsibility Act, N.J.S.A. 13:1K-6 et seq.

WHEREAS, NJDEP is charged with the responsibility of protecting the environment and the public health, safety and welfare pursuant to the provisions of N.J.S.A. 13:1D-1 et seq., and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the Environmental Cleanup Responsibility Act, N.J.S.A. 13:1K-6 et seq., and

WHEREAS, NJDOT is charged with the responsibility of the development and promotion of programs to foster efficient and economical transportation services in the State and the preparation of plans for the preservation, improvement and expansion of the public transportation system, with special emphasis on the coordination of transit modes and the use of rail rights of way, highways and public streets for public transportation purposes pursuant to the provisions of the Transportation Act of 1966, N.J.S.A. 27:1A-1 et seq.

WHEREAS, NJDOT has the authority to acquire lands or rights therein whether for immediate or future use by gift, devise or purchase, or by condemnation as provided in the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. pursuant to N.J.S.A. 27:7-22, and

WHEREAS NJDOT has acquired, is in the process of acquiring, or may acquire in the future, properties for the purpose of constructing transportation projects, and these properties may have soil and/or ground water contamination which must be investigated and remediated, and acquisition of such properties may trigger the Environmental Cleanup Responsibility Act, N.J.S.A. 13:1K-6 et seq.; and

WHEREAS close coordination between NJDOT and NJDEP is required in order for both departments to appropriately and efficiently carry out their respective statutory obligations; and

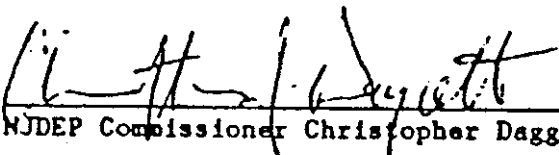
WHEREAS staff from both Departments have drafted and finalized the attached Standard Operating Procedure for Managing Soil/Groundwater Contamination Issues (hereinafter "SOP") and have consulted with technical and legal staff before finalizing the SOP; and

WHEREAS this SOP delineates a step by step process to be followed by NJDOT and NJDEP for the purpose of evaluating environmental conditions at properties already acquired or to be acquired by NJDOT, and for the purpose of coordinating implementation of remedial actions at those properties where remediation is necessary.

NOW, THEREFORE, NJDOT and NJDEP agree to follow the provisions of the SOP henceforth during development of NJDOT projects and agree to adopt modifications it as deemed necessary by both Departments.


NJDOT Commissioner Hazel Gluck

6/30/89
Date


NJDEP Commissioner Christopher Daggett

7/5/89
Date

STANDARD OPERATING PROCEDURE
FOR MANAGING
SOIL/GROUND WATER CONTAMINATION ISSUES

NEW JERSEY DEPARTMENT OF TRANSPORTATION
AND
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Preface

This Standard Operating Procedure (SOP) details a coordination process between the New Jersey Department of Transportation (DOT) and the New Jersey Department of Environmental Protection (DEP) regarding the assessment and handling of all transportation projects which involve the acquisition of properties with soil contamination and/or ground water contamination. The primary units responsible for assuring application and coordination of this SOP shall be the Bureau of Environmental Analysis (DOT), the Responsible Party Cleanup Element (DEP) and the Industrial Site Evaluation Element (DEP). This SOP shall allow for timely and technically sound site investigations/remediations for DOT's property acquisitions that may or may not trigger the provisions of the Environmental Cleanup Responsibility Act, N.J.S.A. 13:1K-6 et seq. (ECRA). This SOP delineates a step by step process to be used as guidance by the two agencies in addressing all site investigations and remedial actions required for each property. For those properties already acquired by DOT, they shall integrate said project with this SOP at the appropriate step to the extent feasible. A key element in the SOP is to resolve those cases where contamination is found, under both a schedule acceptable to DOT and according to a technical plan acceptable to the DEP. Both parties agree to perform the necessary reviews as outlined in the SOP in order to facilitate the construction of important public transportation projects. This SOP should thereby facilitate the goals of both agencies. This SOP does not confer any rights upon third parties. Step numbers in this SOP refer to the flowchart identified as Attachment 1. This SOP is comprised of both this narrative and the Attachment 1 flowchart.

STEP 1

Levels of Action Assessment (LOAA), Environmental Assessment (EA), Environmental Impact Statement (EIS), Executive Order 53 (EO53) Document

DOT conducts contamination investigations according to the magnitude of the project's potential effect on the environment, during the planning and design stages of the project. The source of information at Step 1 would be from three stages of project development - LOAA's or environmental documents (EA, EIS, EO53). The unit within DOT, which shall lead in this coordination process unless otherwise noted by DOT, shall be the Bureau of Environmental Analysis (hereinafter BEA).

A LOAA, which is DOT's assessment procedure, applies to all federally funded DOT projects, and is used to evaluate and classify the degree of environmental study a project requires. As a result of the LOAA, a contamination screening effort is conducted which may include preliminary environmental sampling referred to as the "First Phase Effort". For state funded projects which are subject to Executive Order 53, a contamination screening will be conducted as part of the EO53 Document.

Technical studies are conducted as part of an EA, EIS, or EO53 Document. The contamination technical study, which is referred to as the "Second Phase Effort", includes sampling/remediation, alternatives analysis and associated cost estimates. For those projects where environmental documents are not warranted (generally small scale

projects) but where contamination is identified, a Second Phase Effort shall be conducted as part of the project design and shall be identified as the Final Contamination Study.

STEP 2

Preliminary Assessment Site Investigation with Preliminary Sampling

DOT screens transportation projects during the LOAA. If an environmental problem is identified, a more extensive investigation is conducted at the Environmental Document or Design Stage.

DOT shall use the DEP's Preliminary Assessment format as guidance for this screening. This format may be changed by DEP from time to time. DEP shall provide DOT with the most current format, in case of such change.

DOT shall use DEP's Field Sampling Procedures Manual as guidance when conducting any sampling. This manual may be changed by DEP from time to time. DEP shall provide DOT with the most current manual, in case of such change.

Upon DOT's request, DEP shall provide preliminary applicability determinations regarding sites potentially subject to ECRA.

STEP 3

Results of Sampling Provided to DEP Coordinator and Owner/Operator

DOT shall submit First Phase Effort sampling results to DEP's Transportation Coordinator within the Division of Hazardous Waste Management's Bureau of State Case Management for review and comment within forty-five days after DOT's receipt and completion of data validation.

The DOT will provide property owners and operators with copies of First Phase Effort sampling results as appropriate. When providing such results, DOT shall indicate that DEP's Transportation Coordinator is the party to contact for interpretation of the results.

STEP 4

Decision Point for Necessity of Second Phase Effort

DEP's Transportation Coordinator shall review the results of the First Phase Effort sampling results. If the Transportation Coordinator determines that the site is free of hazardous substance/waste contamination, it shall be considered a clean site and Second Phase Effort sampling shall not be required. If a site is considered clean, a determination regarding ECRA involvement is pursued (proceed to Step 4-1). If upon review of DOT's First Phase Sampling results, the DEP Transportation Coordinator determines that a Second Phase Effort is necessary, then the Transportation Coordinator shall formally notify DOT's Bureau of Environmental Analysis (proceed to Step 5).

STEP 4-1

Clean Site, ECRA Applicability Decision Point

As detailed in Step 2, DOT's Preliminary Assessment will identify those property(ies) identified which may be subject to ECRA. For those properties that are not subject to ECRA, the coordination process pursuant to this SOP ends. For those properties that are subject to ECRA, the coordination process continues at Step 4-2.

STEP 4-2

Notify Appropriate DOT Units Regarding ECRA Applicability

The appropriate DOT units will be notified by DOT's BEA that ECRA coordination may be required. Those units shall include as appropriate but not be limited to:

- Division Regional Engineer
- Division of Bridge Design
- Division of Roadways Design
- Division of Traffic Engineering and Local Aid
- Division of Right-of-Way

STEP 4-3

DOT Final Design Process Proceeds

Although a site may be subject to ECRA, at this point it has been identified as being clean (either based upon site assessment or as a result of private party remediation), and the design of the subject project proceeds.

STEPS 4-4, 4-5, 4-6

DOT's Division of Right-of-Way (ROW) Conducts Appraisal of Property(ies)/ROW Contacts Owner with Offer Letter

As part of the ROW acquisition process DOT conducts appraisals of property(ies). DOT's Division of ROW submits to the property owner its standard "offer letter" to purchase said property. Pursuant to the ECRA regulations, specifically N.J.A.C. 7:26B-1.6(a), "receipt by the owner or operator of an offer letter to purchase issued by a condemning authority" triggers the ECRA process. In addition to the "offer letter", DOT shall concurrently submit to the property owner an ECRA notification letter (see Attachment 2). This letter shall inform the recipient of ECRA regulatory responsibilities as set forth in N.J.A.C. 7:26B-1 et seq. The recipient shall be directed by DOT to contact the DEP's Industrial Site Evaluation Element for further information and assistance. DOT shall provide the Industrial Site Evaluation Element with a copy of the notification letter sent to the owner.

Compliance with ECRA is the responsibility of the owner/operator, over which DOT has no control. Since at this stage the property has been

determined to require further investigation, DOT shall proceed with its property(ies) acquisition(s) independent of the owner/operator compliance schedule. DEP shall notify DOT when the ECRA process has been completed.

STEP 5

Property Contaminated - Further Action Required

Upon review of the results of DOT's First Phase Effort regarding a particular site, DEP may determine that the contamination detected must be further investigated. Prior to continuing with Design or ROW acquisition several agency (DOT and DEP) decision steps are required. Proceed to Step 6.

STEP 6

DEP Prioritization for Case Assignment

All available information regarding a site will be forwarded by DOT to the Bureau of Planning and Assessment (BPA) within the DEP's Division of Hazardous Waste Management. Prioritization for case assignment at DEP will be based upon various agency criteria, including but not limited to public health and safety concerns. If BPA determines that a site is a high priority, proceed to Step 7. If a low priority determination is made, proceed to Step 6-1.

On Federal Aid projects, concurrent with DEP's prioritization process, DOT shall notify the Federal Highway Administration that the DEP has determined that contamination exists within the proposed project limits, and that this coordination process is proceeding in order to address the contamination issue(s).

STEP 6-1

DEP Determination of Low Priority; DOT Alternatives Evaluation

When DEP makes a low priority determination, DEP shall notify DOT and then DOT shall consider reassessing the project's alignment and scope in the following ways:

- Possible relocation of alignment to avoid contaminated property(ies).
- Possible reduction of ROW acquisition (e.g., reduce median, reduction in number of lanes) or alternate design (e.g., retaining walls).

If the DOT reassessment results in a decision that the project alignment can be modified to avoid the contaminated property(ies), the coordination process reverts to Step 4-1 or Step 2 depending on the nature of the project modification.

If the DOT assessment determines that avoidance of the contaminated property(ies) in question is not feasible, then DOT shall decide whether or not to commit its own resources in order to investigate and remediate the property(ies) in question. If DOT chooses this approach, this process proceeds to Step 8-3 and DOT proceeds with all investigations and remediations necessary related to the properties to be acquired.

STEP 7

DEP Determination of High Priority; Case Assignment in DEP

If DEP determines that site conditions at a property (or properties) warrant assignment to a DEP unit for promotion of site investigation and/or remediation by the potential responsible party (PRP), proceed to Step 8.

STEP 8

Potential Responsible Party Cooperation Determination

The DEP shall contact the PRP(s) and inform said party(ies) of the environmental concerns associated with the property. DEP shall require the PRP(s) to enter into a control mechanism (e.g., Administrative Consent Order) and conduct the appropriate level of site investigation/remediation. Implementation schedules within the proposed control mechanism shall be mutually developed by DOT and DEP. If the PRP(s) is cooperative, this coordination process proceeds to Step 9. If the PRP(s) is not cooperative, proceed to Step 8-1.

STEP 8-1/8-2

DEP and DOT Strategy Session/Case by Case Alternatives Review

If the PRP(s) is not cooperative with regard to site investigation/remediation, DOT and DEP will meet to determine the appropriate strategy. Alternatives shall be discussed on a case by case basis which may include but not be limited to:

- The DEP shall consider issuing a Spill Act Directive to the PRP(s) at this step in the process, to provide for the possible recovery of the public dollars to be expended. The DOT commits funding for and implements a full Second Phase Effort, but only for the ROW portion of the affected property(ies). The non-ROW portions would be the responsibility of DEP. In this scenario, this coordination process proceeds to Step 8-3.

OR

- The DEP takes the lead and commits funds to conduct investigation/remediation of the site in question. This may be accomplished by the issuance of a "Spill Act Directive" to the PRP(s) requiring remediation. If the PRP(s) does not

comply with the Directive, then the DEP shall proceed with the committed funds mentioned above, to implement the appropriate activities. DEP would then ultimately pursue cost recovery from the PRP(s).

OR

- DOT may again reassess the project to either avoid the subject property(ies) or utilize an alternate design (Go to Step 6-1).

STEP 9

PRP Proceeds With Investigation/Remediation

Upon entering into a control mechanism (e.g., Administrative Consent Order) with the DEP, the PRP(s) shall proceed to implement a RI/FS (Remedial Investigation/Feasibility Study) and remedial action for the property(ies) in question.

STEP 10

Monitoring of Implementation by PRP

The DEP shall track the PRP's implementation of the RI/FS and remedial action as detailed within the control mechanism mentioned in Step 10 above. The DEP shall keep DOT fully informed regarding the PRP's progress.

If the PRP(s) fails to comply with the requirements detailed in the control mechanism (such as the implementation schedule or technical requirements), DEP and DOT shall convene a strategy session to discuss options available, such as:

- litigation
- monetary penalties
- DOT assuming responsibility for completion of second phase effort only on ROW portion (for this option, proceed to Step 8-3).

If the PRP is in compliance with the control mechanism, proceed to Step 11.

STEP 11

Cleanup Completed

The DEP will determine compliance with the control mechanism by the PRP(s) based upon review of the necessary documentation. DEP shall notify the DOT of its determination as to compliance and satisfactory completion of the work required of the PRP(s). Proceed to Step 12.

STEP 12

ECRA Applicability Decision Point

At this point in the process, the property in question has been remediated to the satisfaction of the DEP, and DOT has been informed of DEP's determination. As detailed in Step 2, during DOT's Preliminary Assessment, property(ies) have been identified that may be subject to ECRA. For those properties that are not subject to ECRA, DOT acquires the property and the coordination process, pursuant to this SOP, ends. For those properties that are subject to ECRA, the coordination process continues at Step 4-2.

STEP 13

DOT Acquires Property

For a property whose acquisition will not trigger ECRA, DEP/DOT coordination process has ended and DOT proceeds to acquire the property.

STEP 8-3

Split Project

Here DOT and DEP shall split the "lead" responsibility with regard to implementation of a Second Phase Effort at the property(ies) in question. DOT shall be responsible for implementing a Second Phase Effort on the ROW portion of the subject property(ies). DOT's Second Phase Effort shall be conducted in accordance with the standards of, and pursuant to oversight by, the DEP.

The DEP shall pursue the PRP(s) (e.g., property owners, operators, etc.) for implementation of a RI/FS and remedial action (if necessary) on the non-ROW portion of the property(ies) in question. This shall occur on a time schedule determined by DEP and may not be simultaneous with DOT's efforts. Proceed to Step 8-4.

STEP 8-4

DOT Implements Second Phase Effort

DOT shall develop and submit to DEP's Transportation Coordinator a Final Contamination Study (which will complete the RI/FS) for review and approval. The Final Contamination Study shall be implemented prior to completion of the final highway design and shall enable DOT to then design the remedial action plans and health and safety plans for the property(ies) involved. The choice of remedial action(s) is subject to DEP approval. Proceed to Step 8-5.

STEP 8-5

ECRA Applicability Review

DEP assists the DOT to determine if the acquisition of the property undergoing investigation and remediation will be subject to ECRA. If the acquisition will be subject to ECRA, proceed to Step 8-5A. If the property acquisition is not subject to ECRA, proceed to Step 8-6.

STEP 8-5A

Offer Letter Notifies Owner of ECRA Responsibilities

As part of the ROW acquisition process DOT conducts appraisals of property(ies). DOT's Division of ROW submits to the property owner its standard "offer letter" to purchase said property. Pursuant to the ECRA regulations, specifically N.J.A.C. 7:26B-1.6(a), "receipt by the owner or operator of an offer letter to purchase issued by a condemning authority" triggers the ECRA process. In addition to the "offer letter", DOT shall concurrently submit to the property owner an ECRA notification letter (see Attachment 2). This letter shall inform the recipient of ECRA regulatory responsibilities as set forth in N.J.A.C. 7:26B-1 et seq. The recipient shall be directed by DOT to contact the DEP's Industrial Site Evaluation Element for further information and assistance. DOT shall provide the Industrial Site Evaluation Element with a copy of the notification letter sent to the owner. Proceed to Step 8-6.

STEP 8-6

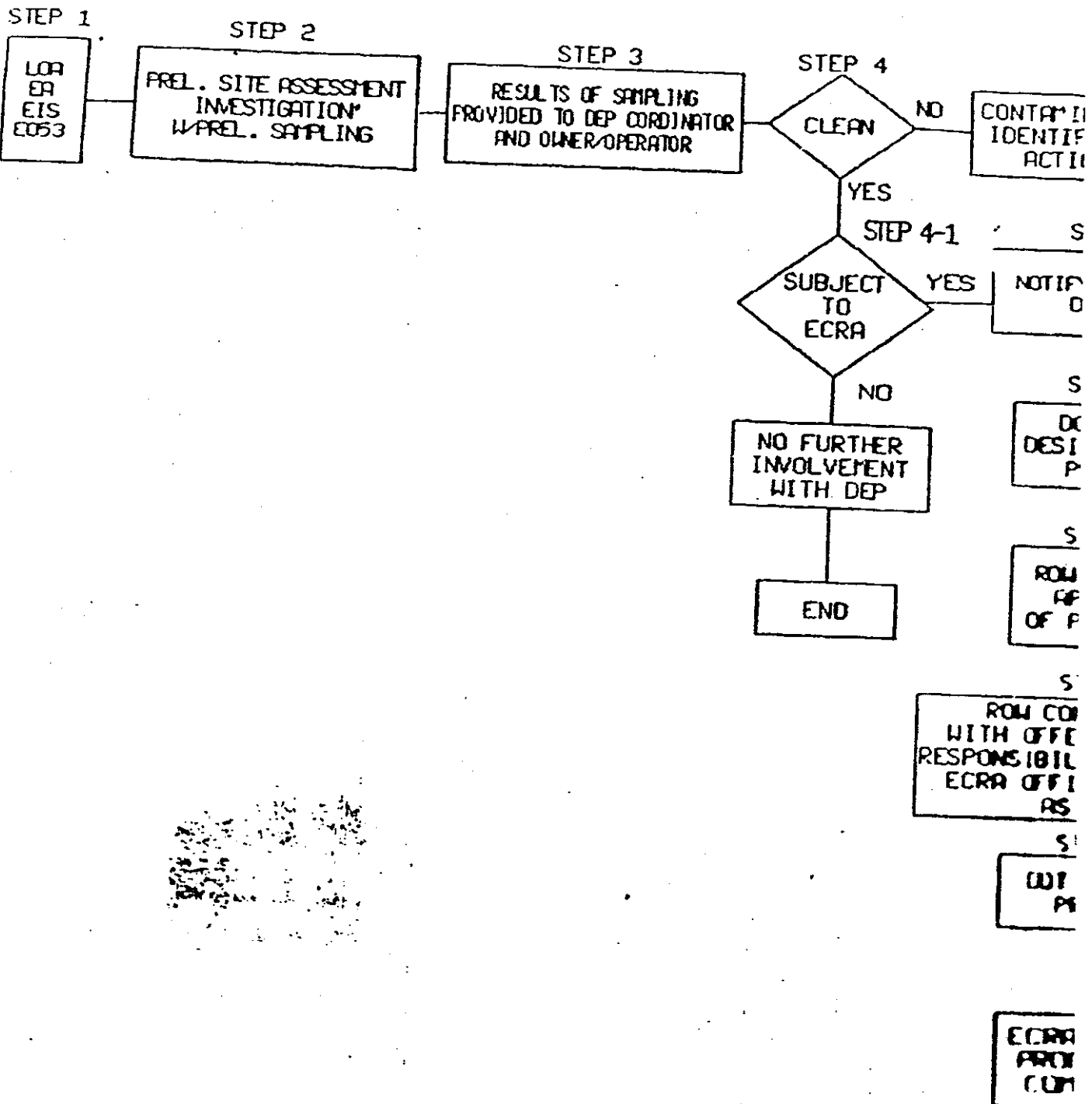
DOT Acquires Property

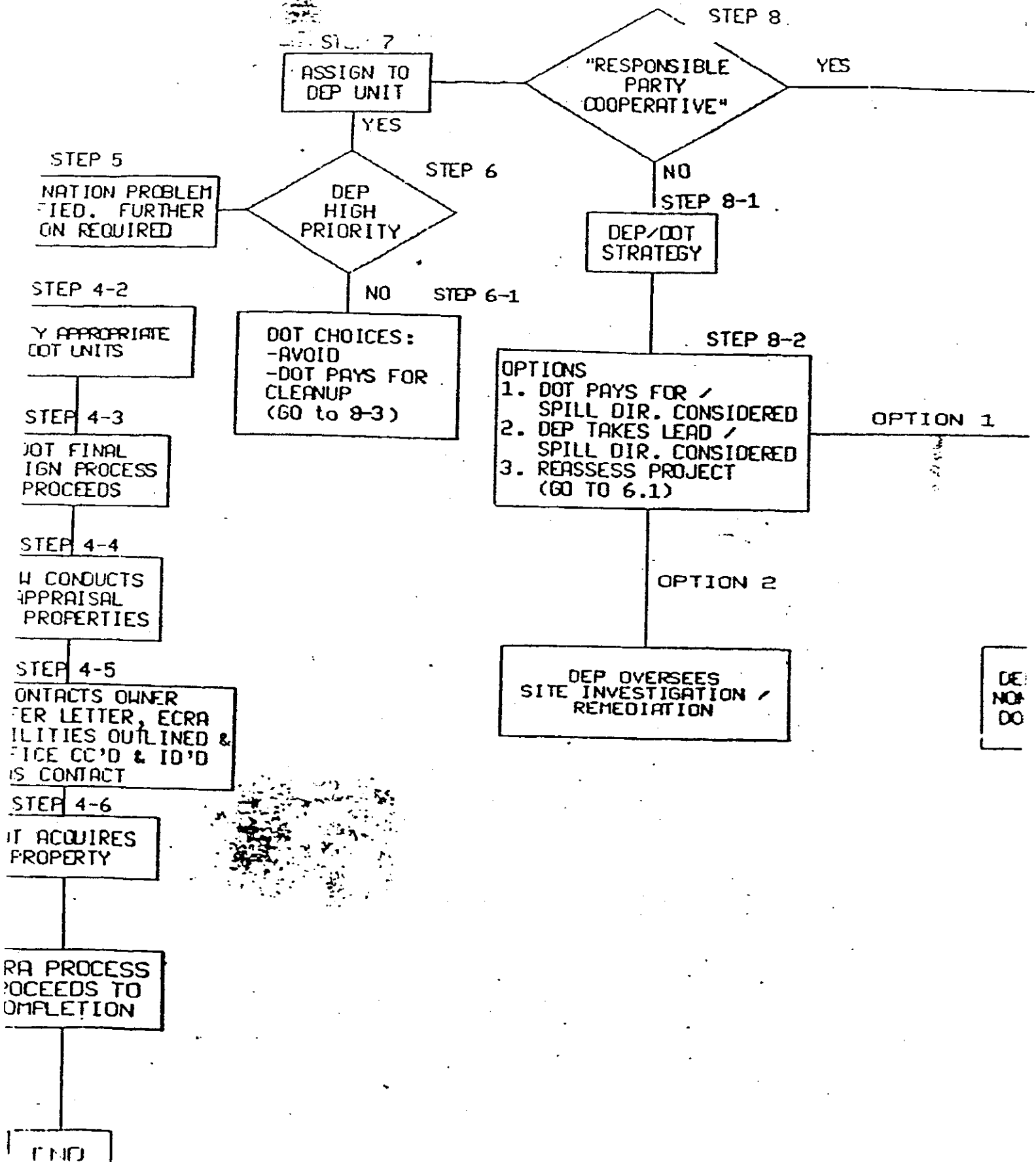
The DOT shall proceed with its ROW property acquisition. This shall include freezing funds in escrow with the condemnation (or other) court until completion of environmental activities related to the property acquisition, investigation and remediation. Proceed to Steps 8-7/8-8.

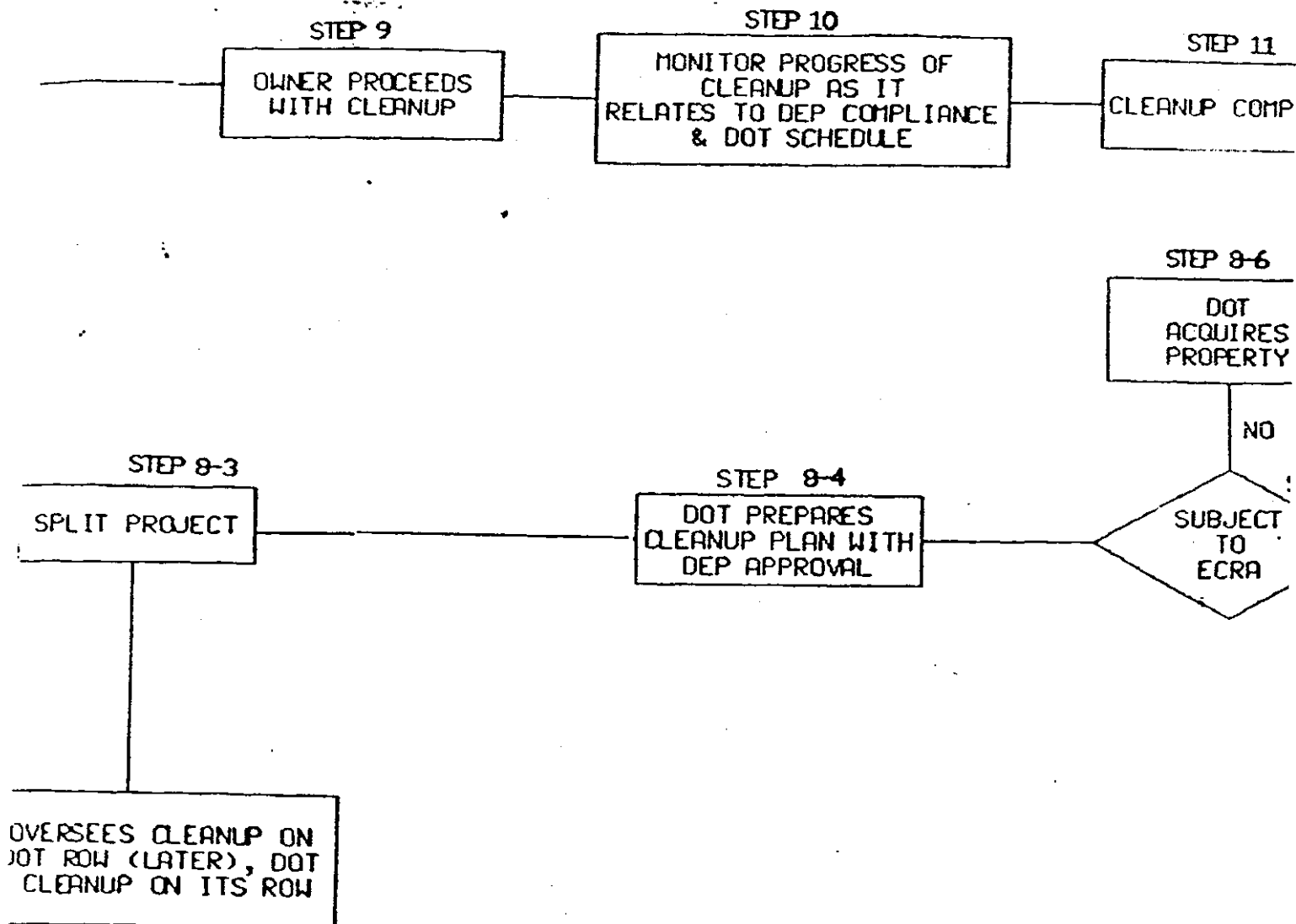
STEPS 8-7/8-8

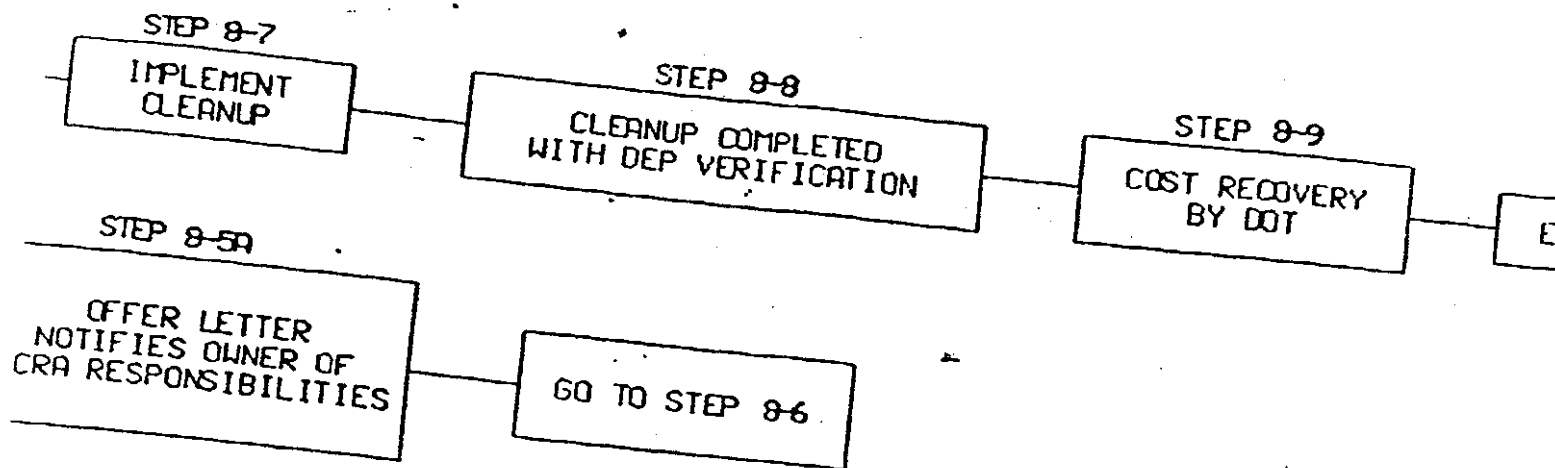
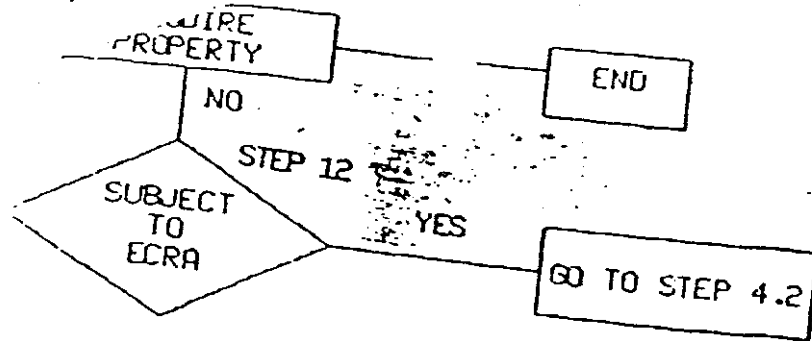
Remedial Action(s) Implemented/Completed by DOT

DOT shall proceed to fully implement the remedial action(s) previously approved by DEP. Implementation and completion shall be subject to oversight by the DEP. DOT shall provide DEP with weekly progress reports. Completion of implementation shall be determined by DEP, in writing, based upon reports and documentation provided to DEP by DOT or its contractor. Proceed to Step 8-9.









STANDARD OPERATING PROCEDURE
FOR MANAGING SOIL & GROUNDWATER
CONTAMINATION ISSUES
JUNE 1989
ATTACHMENT



Christine Todd Whitman
Governor

State of New Jersey
Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

February 8, 1999

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

Enclosed you will find DOT Memorandum of Understanding you requested.

Should you have any questions, contact me at (609) 292-2943.

Sincerely,

Nath Byrd, HSMS II
Case Assignment Section

enclosure

SUPPORT REVISED PLANS FOR THE WIDENING OF ROUTE 33
BETWEEN ROUTE 35 AND ROUTE 71

WHEREAS, representatives from the NJDOT and NJTPA met with the Township Committee on February 22, 1999; and,

WHEREAS, at that time, the NJDOT presented a revised plan for the widening of Route 33 between Route 35 and Route 71 which included one lane of traffic in either direction, a center turning lane, ten foot wide shoulders which convert to right turn lanes at each intersection; and,

WHEREAS, the NJDOT indicated that this plan was safer in comparison to a five lane road as shown in the original proposal; and,

WHEREAS, NJTPA representatives indicated that the revised plan would be eligible for, and likely receive, an exclusion from a Congestion Traffic Study; and,

WHEREAS, the NJDOT indicated that with this exclusion, the process of right-of-way acquisitions would begin in June, 1999 with construction slated for the year 2001; and,

WHEREAS, it was represented to the Committee that the project has been funded and is ready to commence immediately under the revised plans,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that it hereby endorses and supports the revised plan for the widening of Route 33 between Route 35 and Route 71 as presented by the New Jersey Department of Transportation on February 22, 1999, said revised plans including one lane of traffic in either direction, a center turning lane, ten foot wide shoulders which convert to right turn lanes at each intersection (with no changes to any road east of Route 71); and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the NJDOT, NJTPA and Township Engineer.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO
BE A TRUE COPY OF A RESOLUTION
ADOPTED BY THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF

NEPTUNE ON 3-1-99

Richard F. Littell (R)
TOWNSHIP CLERK



P.O. BOX 1125, NEPTUNE, NJ 07754-1125
732-988-5200
FAX: 732-988-6433

MICHAEL D. BESON, MAYOR
EVIN B. McMILLAN, DEPUTY MAYOR
JOSEPH E. KRIMKO
JAMES W. MANNING, JR.
PATRICIA A. MONROE

PHILIP D. HUNN
TOWNSHIP ADMINISTRATOR
RICHARD J. CUTTRELL, R.M.C.
TOWNSHIP CLERK
WILLIAM NIKITICH, CTA, ASSESSOR
MICHAEL J. BASCOM, C.M.F.O., C.T.C.
CHIEF FINANCIAL OFFICER, TAX COLLECTOR

March 2, 1999

██████████, Project Manager
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

Dear Mr. ██████████:

Please find enclosed a certified copy of Resolution #99-151, which was adopted by the Township Committee of the Township of Neptune on March 1, 1999, supporting revised plans for the widening of Route 33 between Route 35 and Route 71.

Very truly yours,

Richard J. Cuttrell
Richard J. Cuttrell, R.M.C.
Municipal Clerk

RJC/rr
Encl.

MAR 9 1999
PROJECT MANAGER

NEW JERSEY DEPARTMENT OF TRANSPORTATION

CATEGORICAL EXCLUSION DOCUMENTATION

I. GENERAL INFORMATION

DOT Job Code No. <u>8710180</u>	Federal Project No. _____
Project Management Team <u>Six</u>	Data Base No. _____
Route and Section <u>Route 33; 9A</u>	Structure No. <u>N/A</u>
Local Road Name <u>Corlies Avenue</u>	
Municipality <u>Neptune Township</u>	County <u>Monmouth</u>
Type of Project <u>Modernization and Traffic Operations</u>	Length <u>0.7 Mile (1.13 km)</u>
From <u>MP 41.7</u>	To <u>MP 42.4</u>
Congressional District _____	Legislative District <u>11</u>
ROW Cost <u>3.0 M</u>	Construction Cost <u>7.0 M</u>

EXISTING FACILITY	PROPOSED FACILITY
ROW Width <u>15.24 m (50 feet)</u>	ROW Width <u>25.30 m (83 feet) and variable</u>
No. of Lanes & Width <u>2 @ 5.03 m (16'-6") each</u>	No. of Lanes & Width <u>2 @ 7.2 m + a 3.6 m center lane</u>
Shoulder Width <u>N/A</u> Median <u>N/A</u>	Shoulder Width <u>2 @ 3.05 m ea.</u> Median <u>N/A</u>
Overall Roadway Width <u>10.06 m (33 feet)</u>	Overall Roadway Width <u>17.1 m (56 feet)</u>

II. PROJECT DESCRIPTION (Attach location map)

A. Project Need (briefly explain why the project is needed)

This existing section of Route 33 two-lane roadway has experienced auto accidents approximately three and one half times greater than the state average for this roadway classification in an urban area. These accidents are mainly either rear-end or intersection side impact. In addition, the Routes 33 & 35 intersection and the Routes 33 & 71 intersection has considerable congestion during the peak summer months-especially on weekends. Traffic on Route 33 has continued to increase in the region with population growth, and expansion of medical, commercial, and recreational facilities. Intersection improvements, with a more responsive traffic signal system, are needed to improve the flow of through and turning traffic during peak periods.

B. Proposed Improvements (provide a brief description of proposed improvements)

The project will implement modernization and traffic operation features to an approximate 1.1 k (0.7 mile) segment of Route 33. These features will be reflected by a 3.6 m (12') center turning lane, one 3.6m (12') lane and one 3.0 m (10') shoulder in each direction. Three intersections, Route 35, Memorial Drive, and Route 71 will be expanded to provide auxiliary through and turning lanes. Overall, five intersections are affected, four of which are signalized, and an at-gde railroad crossing will be improved. Route 33 at the Route 71 intersection will be realigned to improve geometrics.

C. Right of Way Takings

Total area needed: 1.8 Ac. est. number of parcels: in fee- _____ easements- _____

Est. number of relocations: residences- seven (7) businesses- four (4) parking spaces- _____

Community facilities affected: none

Area (hectares) of public recreational land taken: none out of a total area of _____

III. Environmental Considerations:

A. Noise

- ☒ Sensitive receptors within 65 meters for two lanes or 130 meters for four lanes.
- ☐ Project substantially changes the vertical or horizontal alignment of the roadway.
- ☐ Traffic volumes or speeds substantially increase.

Conclusion:

- ☐ Noise study not required. No significant impact anticipated.
- ☒ Potential noise impacts were studied and are discussed in comments. Project still meets CE criteria.

Comments:

Noise levels were monitored during June and July 1996 along the project corridor. Sound levels varied from a high of 85dBA (Rtes 33 & 35 intersection) to a low of 52dBA (Lawrence and Broadway, Ocean Grove). Although traffic noise levels exceed the threshold for noise interference and noise abatement criteria for the predominant land use present (category C), and thus indicate the potential for noise abatement measures, a detailed noise study is not warranted since the application of noise barriers is not considered reasonable due to Route 33 functioning as a urban unlimited access land service facility.

B. Air Quality

1. CONFORMITY WITH THE CLEAN AIR ACT AMENDMENTS (CAAA) OF 1990

- ☒ There are sensitive receptors (i.e. residences, schools, hospitals) within 65 Meters of the project.
- ☒ This project is on page 339 of the 98-02 approved State Transportation Improvement Plan (STIP). A copy of the STIP page is in the project's CED file.

2. CO ANALYSIS

- ☒ The project is located in a Carbon Monoxide Attainment Area. If so, no CO analysis needed.
- ☐ The project is located in a Carbon Monoxide Non-Attainment Area.

As defined by the Transportation Conformity Rule of 11/15/93, effective date 12/27/93, this project is a :

☐ Table 2 type project and therefore does not impact regional emissions and did not require Carbon Monoxide analysis.

☐ Table 3 type project and is located in a Carbon Monoxide attainment Area and therefore did not impact regional emissions and did not require Carbon monoxide analysis.

☐ Table 3 type project located in a Carbon Monoxide Non-Attainment area and required a Carbon Monoxide hot-spot analysis. A CO Analysis was completed at the following intersections:

and the results are:

X Neither a Table 2 or Table 3 type project.

Table 3 type project and the total eight-hour Carbon Monoxide levels are expected to be reasonably below the NAAQS of 9 ppm. No significant impact is anticipated.

Comments:

Project is neither a Table 2 or Table 3 type project and is located in a CO attainment area; no CO analysis is needed.

C. Ecology & Permits (briefly describe any potential impact(s) under comments)

<u> </u> Water Quality	<u> </u> Sole Source Aquifer
<u> </u> Floodplain	<u> </u> Unique/Endangered Species Habitat
<u> </u> Wetlands - hectares	<u> </u> Wildlife
<u> </u> Acid Soils	

Conclusion:

 X No significant impact anticipated.

 X Further studies needed to obtain permits. Project still satisfies CE criteria. (see comments)

D. Environmental Permits/Coordination Needed:

U.S. Coast Guard (Bridge)		NJDEP Waterfront Development	
USACOE Section 404 (Individual)		NJDEP Stream Encroachment - Major	
USACOE Section 404 (Nationwide)		NJDEP Stream Encroachment - Minor	
USACOE Sec. 10 (Navigable Waters)		NJDEP Riparian	
CAFRA	X	NJDEP Water Quality Certificate	
NJDEP Remediation Approval		USEPA - Sole Source Aquifer	
NJDEP Coastal Wetlands		Delaware Basin Commission	
NJDEP Freshwater Wetlands - GP		D & R Canal Commission	
NJDEP Freshwater Wetlands - IP		Meadowlands Commission	
NJDEP Pollutant Discharge		Pinelands Commission	

Comments: (potential impacts, unique features, sensitive issues)

The project corridor does not involve wetlands, floodplains, or threatened or endangered species. The project corridor is located within a commercial and residential urban area, no undisturbed areas exist. Therefore, no adverse impacts to the ecology of the project vicinity are anticipated. The project corridor straddles the CAFRA boundary line of Route 33 between Routes 35 and 71; therefore, a CAFRA Pre-application meeting is required to determine the permitting required. The Shade Tree Commission of Neptune Township requires that a tree removal permit be obtained from the Neptune Township Construction Department to comply with their policy that for every tree removed along the roadway, one must be planted along the same roadway. The Department will review the project to implement its own 2:1

☐ No properties in Area of Potential Effect (APE)

☐ No Effect per FHWA/SHPO Agreement of 1-12-96

☐ No NR listed/eligible properties in APE

☒ NR listed/eligible properties in APE (see summary table below)

Archaeology	Architecture				Sec. 106 Finding
	Bridge	Building	District	Other	
					NR listed/eligible property in APE
					NR listed/eligible property - No Effect
			X		NR listed/elig. property -No Adv. Effect
					NR listed/elig. prop. - NAE w/ Data Recov.
					NR listed/elig. property - Adverse Effect

<input checked="" type="checkbox"/>	SHPO concurred with Sec. 106 Finding on	April 27, 1998
<input checked="" type="checkbox"/>	ACHP concurred with No Adverse Effect Finding on	July 7, 1998 (FHWA)
<input type="checkbox"/>	SHPO approved Data Recovery Plan on	
<input type="checkbox"/>	ACHP approved Data Recovery Plan on	
<input type="checkbox"/>	ACHP accepted MOA on	

The Ocean Grove Camp Meeting Historic District abuts the project along Route 71 at the Route 33 intersection.

F. Sec. 4(f) Involvement - Historic Sites

Project results in a use of Historic site(s) on or eligible for the National Register of Historic Places.

Project results in a "constructive use" of Section 4(f) property.

X No Section 4(f) Involvement

Section 4(f) Involvement. Project falls under the *Programmatic Nationwide Section 4(f) Evaluation* and all applicability criteria have been met including agreement of the SHPO with the "No Effect" recommendation.

Section 4(f) Involvement. Project is a **Nationwide Section 4(f)** and all applicability standards have been met including agreement by the ACHP with the **"No Adverse Effect"**.

Section 4(f) Involvement. Project is covered under the **Programmatic Nationwide Section 4(f)** for Historic Bridges.

Section 4(f) Involvement. Project has an **"Adverse Effect"**. Individual Section 4(f) prepared.

Documentation: If Sec. 4(f) impacts exists - refer to Appendix for documentation.

G. Sec. 4(f) Involvement - Recreational Land

Project requires acquisition from Publicly-owned recreation land.

Project results in a "Constructive Use" of Section 4(f) property.

If either of the above are checked, fill out the following:

Site (use local name):

Lot and Block #:

Total Hectares To Be Acquired (consider acquisition and easement)

Total Hectares of Park: Amount of Parkland affected:

Federal DOI Section 6(f) regulations or other Federal encumbrances involved.

Conclusion:

No Section 4(f) Involvement.

Section 4(f) Involvement. Project falls under **Temporary Occupancy**; all applicability criteria and conditions have been met (Explain below).

Section 4(f) Involvement. Project falls under the **Programmatic Nationwide Section 4(f) Evaluation**; all applicability criteria and conditions have been met.

Section 4(f) Involvement. **Individual Section 4(f) Evaluation** was completed, but **no significant impacts are anticipated**.

X No Section 4(f) Involvement, but any changes made to the project which require use of Section 4(f) land would require compliance with Section 4(f).

Documentation: If Sec. 4(f) impacts exists - refer to Appendix for documentation.

Memorial Park, an unaffected Neptune Township owned property, abuts Route 71 at the Route 33 intersection.

H. Hazardous Materials and Landfills

X Involvement with known or suspected contaminated site. (If so, explain under comments)

Involvement with underground storage tanks. (If so, explain under comments)

Conclusion:

Low potential for involvement with contamination, no further investigation required.

X Further investigation and/or sampling required to determine extent of involvement with contamination. Project still meets FHWA criteria for a CE.

Comments:

The Neptune Township Health Department considers the following sites along the project corridor as contaminated:

1. The former Exxon at the corner of Routes 33 & 35 (Block 201, Lot 24);
2. The former Amoco on the corner of Routes 33 & 35 (Block 266, Lot 28.01);
3. Penn Furniture on Route 33 (Block 201.01, Lot 47);
4. Shafto's Exxon on the corner of Route 33 & 71 (Block 150, Lot 1,2);
- and 5. the SLM II site on the corner of Routes 33 & 71 (Block 151, Lot 2).

Due to the lack of pertinent records involving potential contamination in the area, or remedial activities conducted for the sites discussed, the potential presence and extent of hazardous materials contained in ground water, sediments, and/or soils within the project corridor cannot be determined without further investigations.

I. PUBLIC REACTION (briefly describe input from the Office of Community Relations)

A Neptune Township Resolution of Support, dated March 1, 1999, has been provided to the Department, it supports the proposed improvements and projected construction schedule. Several citizens have expressed concern to the Department regarding health hazards that may emerge from an abandoned gas station that would be affected by project construction.

J. ENVIRONMENTAL COMMITMENTS

To minimize impacts associated with the project, the following mitigation measures, where applicable, will be included in the project plans and specifications:

1. Standard Soil Erosion and Sediment Control Measures.
2. Standard Construction Noise Mitigation Measures.
3. A Neptune Township Shade Tree Commission Tree Removal Permit may be required, trees removed for roadway construction must be replaced one-for-one within the project corridor. The project will be reviewed for landscape architectural treatments. The Department's 2:1 tree replacement policy will be applied where feasible.
4. Compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Act as amended.
5. Further hazardous waste investigations have been initiated due to the lack of pertinent records involving potential contamination in the area, or remedial activities conducted for the areas of concern noted. The need for additional studies was made by the Department's Bureau of Environmental Services, Hazardous Waste Unit.

The findings of the hazardous waste investigations will be addressed in accordance with the Hazardous Waste Procedures as described in Section 8.6 of the NJDOT Procedures Manual.
6. Design commitments relative to Section 106 review of the Ocean Grove Camp Meeting Historic District:
 - * No signal mast to be placed on Memorial Park Island.
 - * Only one mast (heavy duty) will be placed in the district.
 - * Signal control cabinet to be placed on the west side of Route 71.
 - * Neptune Township will have option to paint new mast and arms a color that will complement the historic district.


DETERMINATION OF CATEGORICAL EXCLUSION

Project name and location: Route 33; Section 9A
Corlies Avenue Improvements
Neptune Township, Monmouth County

CE #: 771.117(d)(1)(2)

- No. 1 - Modernization of a highway by reconstruction, adding shoulders or auxiliary lanes.
No. 2 - Highway safety or traffic operation improvements.

The proposed project satisfies the Categorical Exclusion definition outlined in 23 CFR 771.117(a) and will not result in significant environmental impacts.


Project Manager, Division of Project Management

4/14/99

Date

Recommended:

Elkins Green



Environmental Team Leader

4/14/99

Date

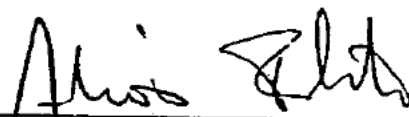
Certified

☐

Approved

☒

Andras Fekete



Manager, Bureau of Environmental Services

4/14/99

Date

Concurrence
(only needed for
CEs not certified
by BES Manager)



(FOR) - Division Administrator
Federal Highway Administration

5-10-99

Date

DEPARTMENT OF TRANSPORTATION

PLANS OF

ROUTE 33 (1953) SECTION 9 A

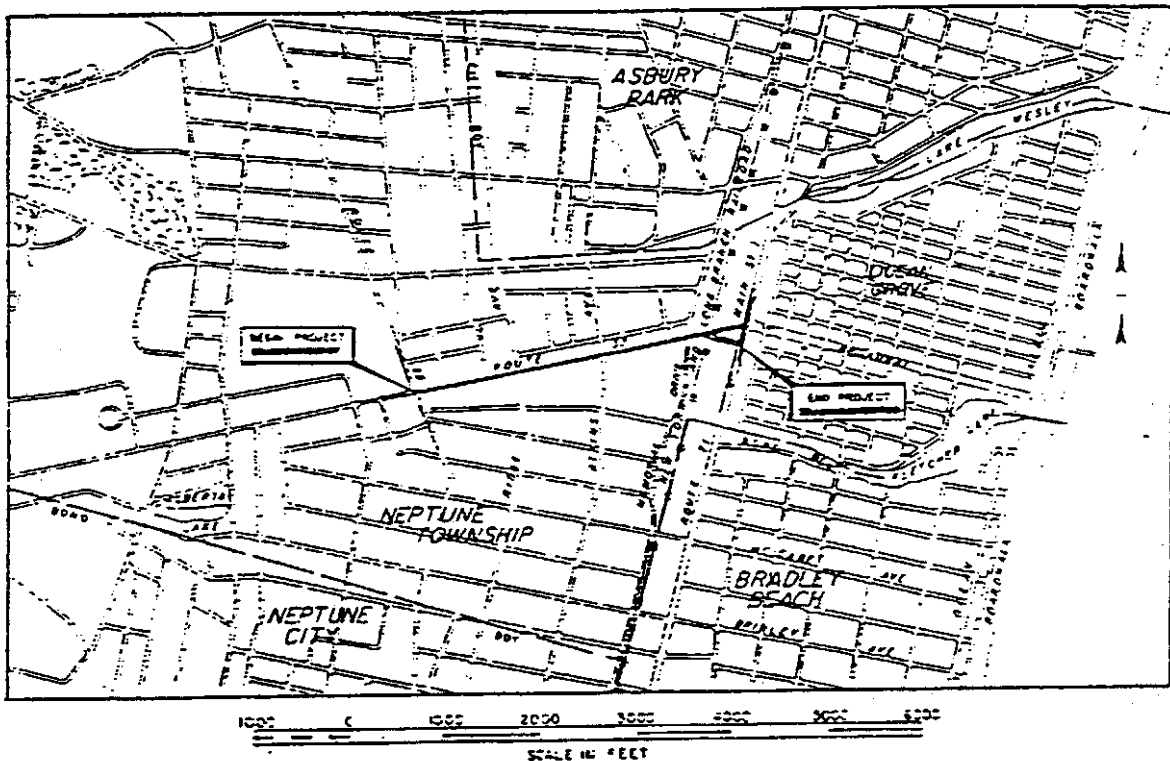
FROM ROUTE 35 TO ROUTE 71

GRADING & PAVING

TOWNSHIP OF NEPTUNE

MONMOUTH COUNTY

SCALES AS INDICATED



KEY MAP

LENGTH OF PROJECT = LIN. FT. = 0.7 MILE

STANDARD HIGHWAY SPECIFICATIONS OF 1983 WITH AMENDMENTS THERETO TO GOVERN

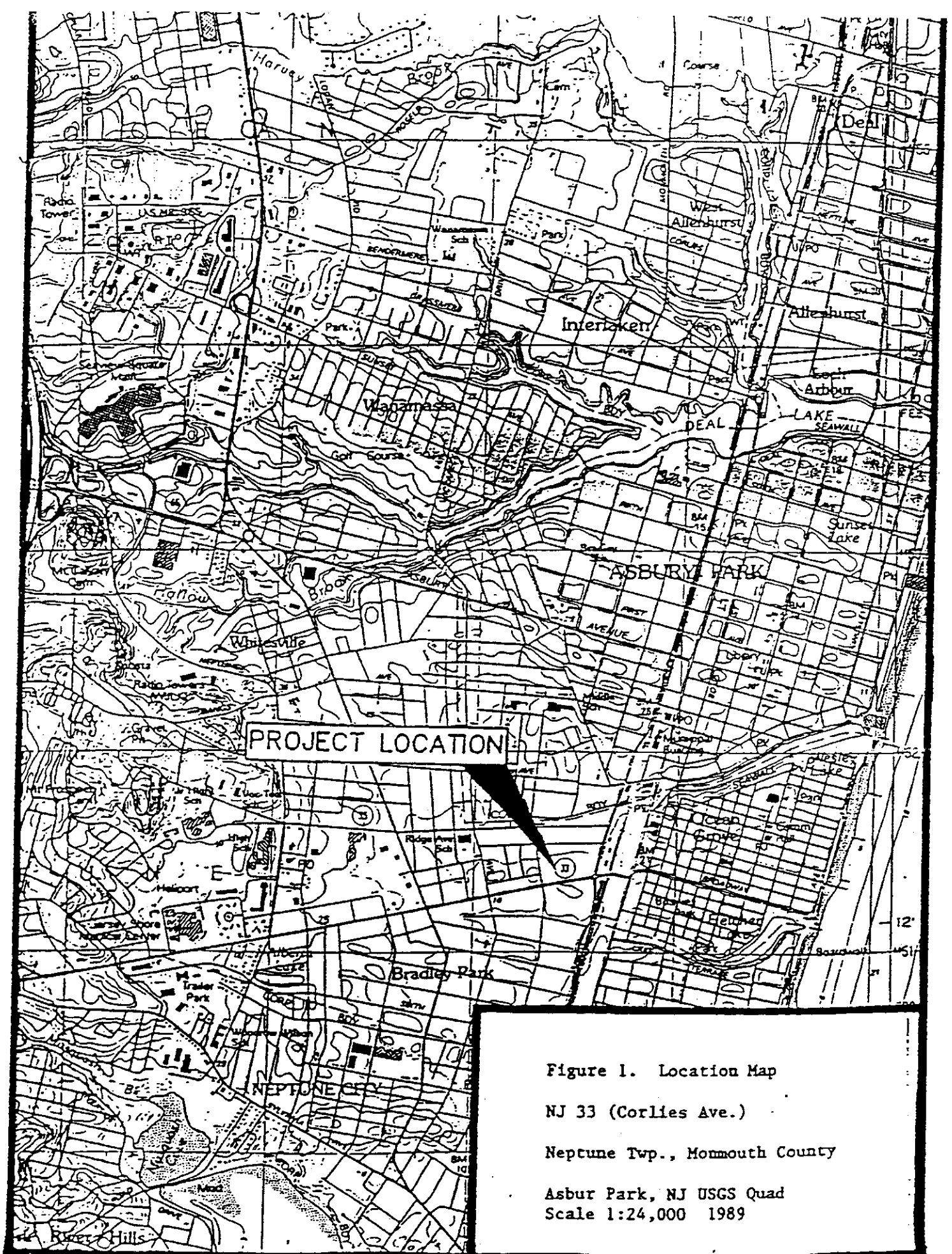
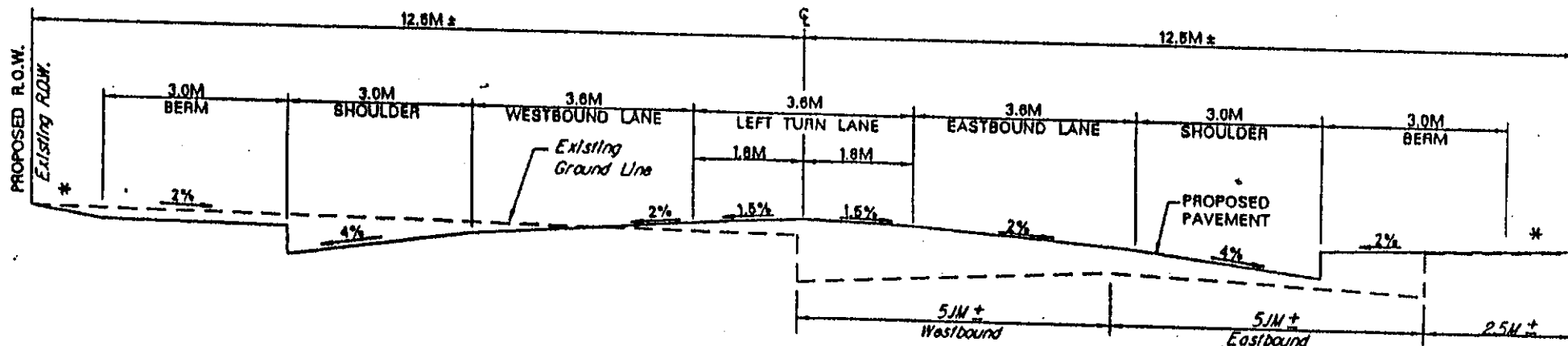


Figure 1. Location Map

NJ 33 (Corlies Ave.)

Neptune Twp., Monmouth County

Asbury Park, NJ USGS Quad
Scale 1:24,000 1989



* - CUT OR FILL SLOPE 1:2 MAX.

ROUTE 33 - SECTION 9A TYPICAL SECTION SKETCH

IT IS A VIOLATION OF NEPA FOR THE FED TO
HAVE ACCEPTED A CATEGORICAL EXCLUSION DOCUMENT
IN ESE CIRCUMSTANCES, IN LIEU OF EIS.

The National Environmental Policy Act (NEPA) of 1969¹ requires agencies receiving Federal funds to build into the decision-making process "an appropriate and careful consideration of all environmental aspects of proposed actions" that could "significantly affect the quality of the human environment"; § 102(2) (C).

NEPA "places effects on people at the center of environmental policy..."

Depending upon the severity of the people-oriented environmental impact of a given project, the project promoters must submit one of three documents:

The Environmental Impact Statement (EIS), where "significant environmental impacts are anticipated" (NEPA Glossary, <http://www.fs.fed.us/r2/r2nepaterm.htm>)

The Environmental Assessment (EA), where "significant environmental impacts are not anticipated or when there is a question as to the extent of the impacts"; Id.

Lastly, the Categorical Exclusion (CE); where there is "no significant impact to the environment, and...no extraordinary circumstances exist which might cause a significant impact in the specific case, these actions can be 'categorically excluded' from documentation in an EA or EIS." Id.

With DOT Project #33(9A), the Fed has accepted a Categorical Exclusion. This is curious, considering that the Department of Transportation's own Environmental Staff, as early as January 21, 1997, recognized 4 contaminated gas stations which have open DEP enforcement files "and appear to be in the proposed ROW (right-of-way)." They saw this as significant and urged rescreening.

We have shown DOT that commingled plumes from Amoco, from Corlies, from Exxon, and perhaps from Getty and Jersey Oil to the west, as well as Shafto's Exxon and a former Gulf station, underlie much of the road to be widened. Neptune was originally built upon a seaside marsh. Water tables range from 4 to 6 feet and there is rainfall flooding. We are in danger from this project. DOT has acknowledged that toxic petrochemicals are there.

The area is primarily low-income, minority, with many small one-family homes. Our people already suffer illness from a 1989 Exxon oilspill in the neighborhood. In an Executive Order on February 11, 1994, President Clinton acknowledged that communities like ours have been unjustly overburdened with environmental toxins. The goal of the Executive Order was to achieve environmental justice. To stop poisoning low-income, minority communities.

What reason did the authorities give for excusing the EIS in favor of the low-level Categorical Exclusion document? since, in the circumstances, they could not claim there will be no danger to people in the vicinity.

Jerry Thomas, Environmental Coordinator for the Project, rationalized that "the area has no wetlands and was once fully developed." On page 3 of the CE document itself, under Comments, we find this:

¹PL 91-190, 42 USC 4321-4327 (1/1/70), as amended by PL 94-52(7/3/75) and PL 94-83(8/9/75).

**PRELIMINARY ENGINEERING STUDY REPORT
FOR THE WIDENING OF
ROUTE 33 (1953) SECTION 9A**

**TOWNSHIP OF NEPTUNE
MONMOUTH COUNTY, NEW JERSEY**

NOVEMBER 1994

**Revised
APRIL 1996**

ENGINEERS
SURVEYORS
PLANNERS
GEOLOGISTS
MUNICIPAL SERVICES
LANDSCAPE ARCHITECTS
ENVIRONMENTAL CONSULTANTS

STORCH
ENGINEERS

STORCH

MEMORANDUM TO: Vit . Gadaleta

JOB NO: 98,002.000

FROM: Howard C. Birdsall

DATE: March 13, 1981

RE: Widening of Route #33
Neptune, New Jersey

I contacted Mr. Keith Rossner of the New Jersey Department of Transportation regarding the above referenced project. He advised me that NJDOT has recently formed a new committee known as "Resources and Priority". This group has given the above referenced project its lowest priority (Priority #3), which in effect means the project is in suspense.

Mr. Rossner suggests that you contact Deputy Highway Commissioner, John R. Jamieson, and request a meeting to plead your case for a higher priority

HCB:hf

DOCUMENT 5-A

TOWNSHIP OF NEPTUNE

JOSEPH M. PEPE, MAYOR
WILLIAM C. CLEGG
DEPUTY MAYOR
ROY E. DUNSHEE
RONALD K. ELY
RONALD A. WELLS



JOSEPH E. BENNETT, C.M.C.
CLERK-ADMINISTRATOR
WILLIAM C. HOGAN, ASSESSOR
JAMES T. BURKE, C.T.C., COLLECTOR
WILLIAM B. CRELIN, TREASURER

P. O. Box 250 - Neptune, N. J. 07753

July 14, 1981

Assistant Commissioner Melvin Lehr
N.J. Department of Transportation
1035 Parkway Avenue
CN600
Trenton, New Jersey 08625

Re: N.J. Route No. 33 Widening Project

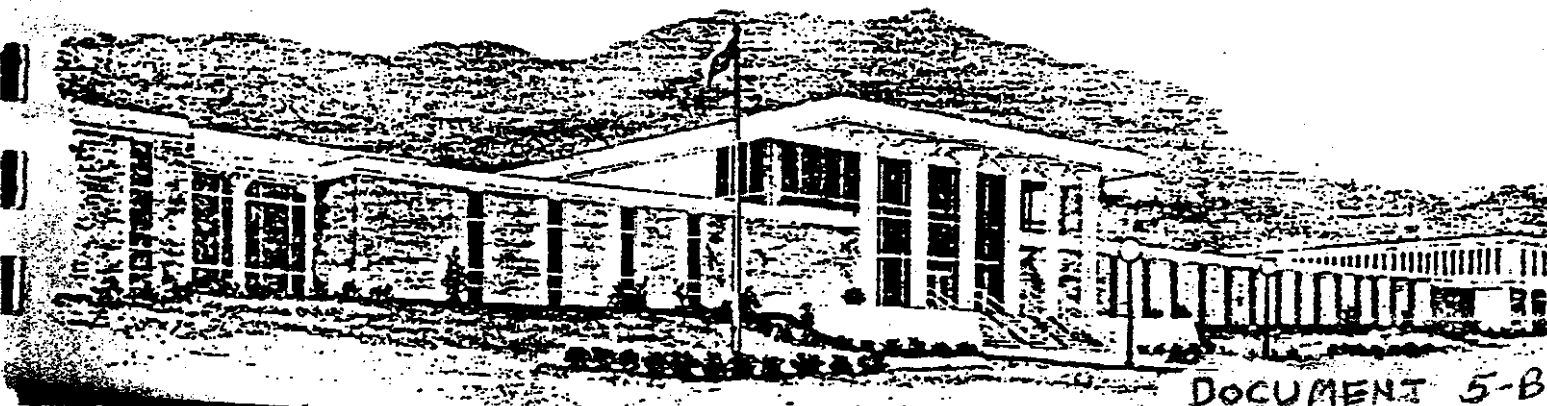
Dear Assistant Commissioner Lehr:

At a recent meeting between Neptune Township Officials, your staff and yourself, a discussion centered on the proposed widening of N.J. Rt. 33 between N.J. Routes No. 35 & No. 71, in the Township of Neptune.

Members of your staff requested information and documentation relative to Sections No. 1 & 2 of the Interagency Land Purchase Agreement, as well as a cost analysis for the right-of-way acquisition in Section No. 2 of the project area.

All the documentation was submitted to your staff people during the month of May, but we have yet to hear any acknowledgement, other than that concerning the closeout of Section No. 1 of the Agreement.

The Route 33 widening project is one that has been pending for some years now, and in anticipation of same, the Township has committed over \$500,000. of CDBG Funds to help revitalize this area. All future CDBG applications are conditioned on this project, and it is the concern of the governing body that should this project be shelved, Neptune Township could suffer a decrease in the funding levels now being received.



DOCUMENT 5-B

Le: Assistant Commissioner Lehr

Re: N.J. Route No. 33 Widening Project

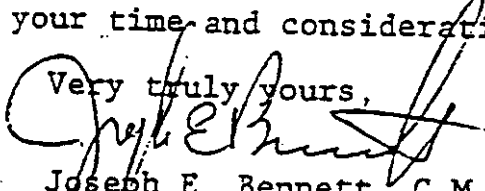
It is my understanding that this project had been included in the approved 1979 Transportation Bond Issue, and the Township was optimistic about the project moving ahead, as we received copies of a State Press Release which outlined property acquisition in 1980, and construction in 1981. The governing body is aware that the inflationary spiral has had an affect on the Bond Issue, but it is important to note that this project is not only important to Neptune, but to all shore communities, as it serves to tie in all the major State roadways connecting the western most part of the state with the coast.

I am hopeful that you will review this matter and its merit, as the Township is currently preparing its Eighth Year Community Development Application, and the final outcome of this project will have an impact on our thinking.

If you are unable to reach my office directly, kindly direct your call to my assistant, Mr. Vito Gadaleta.

Thanking you for your time and considerations, I remain

Very truly yours,


Joseph E. Bennett, C.M.C.
Clerk-Administrator

JEB:vdg

cc. Assemblyman Anthony M. Villane, Jr.
Assemblyman William F. Dowd
Senator Brian T. Kennedy

Sub-Recipient	Project Title	Program/ Fiscal Year	Initial Allocation	Reprograms	Deobligations	Adjusted Balance
NEPTUNE	Parks - Acquisition of Land for Park	1 (75)	\$75,000.00	\$0.00	\$0.00	\$75,000.00
	Housing Rehabilitation	2 (76)	\$100,000.00	\$0.00	\$0.00	\$100,000.00
	Housing Rehabilitation	3 (77)	\$150,000.00	\$0.00	\$150,000.00	\$0.00
	Housing Rehabilitation - Loans	3 (77)	\$0.00	\$64,405.97	\$29,986.55	\$34,419.42
	Housing Rehabilitation - Grants	3 (77)	\$0.00	\$105,878.87	\$0.00	\$105,878.87
	Housing Rehabilitation - Paint Program	3 (77)	\$0.00	\$15,000.00	\$10,298.29	\$4,701.71
	Acquisition	3 (77)	\$0.00	\$5,000.00	\$0.00	\$5,000.00
	Acquisition	4 (78)	\$154,000.00	\$0.00	\$0.00	\$154,000.00
	Demolition	4 (78)	\$21,000.00	\$0.00	\$0.00	\$21,000.00
	Relocation	4 (78)	\$20,000.00	\$0.00	\$0.00	\$20,000.00
	Engineering	4 (78)	\$5,000.00	\$0.00	\$0.00	\$5,000.00
	Housing Rehabilitation	5 (79)	\$23,000.00	\$0.00	\$23,000.00	\$0.00
	Housing Rehabilitation - Loans	5 (79)	\$0.00	\$6,500.00	\$0.00	\$6,500.00
	Housing Rehabilitation - Grants	5 (79)	\$0.00	\$16,500.00	\$0.00	\$16,500.00
	Acquisition	5 (79)	\$60,000.00	\$0.00	\$0.00	\$60,000.00
	Demolition	5 (79)	\$10,000.00	\$0.00	\$0.00	\$10,000.00
	Relocation	5 (79)	\$15,000.00	\$0.00	\$0.00	\$15,000.00
	Neighborhood Facilities - Community Center	5 (79)	\$68,000.00	\$0.00	\$68,000.00	\$0.00
	Park - Construction	5 (79)	\$0.00	\$68,000.00	\$0.00	\$68,000.00
	Housing Rehabilitation	6 (80)	\$20,000.00	\$30,000.00	\$0.00	\$50,000.00
	Acquisition	6 (80)	\$118,000.00	\$0.00	\$0.00	\$118,000.00
	Demolition	6 (80)	\$10,000.00	\$0.00	\$0.00	\$10,000.00
	Relocation	6 (80)	\$21,000.00	\$0.00	\$0.00	\$21,000.00
	Neighborhood Facilities - Community Center	6 (80)	\$30,000.00	\$0.00	\$30,000.00	\$0.00
	Streets	6 (80)	\$41,000.00	\$0.00	\$0.00	\$41,000.00
	Planning - Planning & Legal Fees (supportive to acquisition costs)	6 (80)	\$10,000.00	\$0.00	\$0.00	\$10,000.00
	Housing Rehabilitation	7 (81)	\$70,000.00	\$0.00	\$0.00	\$70,000.00
	Acquisition	7 (81)	\$70,000.00	\$0.00	\$0.00	\$70,000.00
	Demolition	7 (81)	\$10,000.00	\$0.00	\$0.00	\$10,000.00
	Relocation	7 (81)	\$45,000.00	\$0.00	\$0.00	\$45,000.00
	Neighborhood Facilities - Community Center	7 (81)	\$15,000.00	\$0.00	\$15,000.00	\$0.00
	Neighborhood Facilities - Park	7 (81)	\$0.00	\$15,000.00	\$0.00	\$15,000.00
	Streets	7 (81)	\$10,000.00	\$0.00	\$0.00	\$10,000.00
	Housing Rehabilitation	8 (82)	\$69,188.00	\$0.00	\$0.00	\$69,188.00
	Acquisition	8 (82)	\$202,622.00	\$0.00	\$0.00	\$202,622.00
	Housing Rehabilitation	9 (83)	\$74,571.00	\$4,500.00	\$620.10	\$78,450.90
	Acquisition	9 (83)	\$23,304.00	\$0.00	\$0.00	\$23,304.00
	Streets	9 (83)	\$93,213.00	\$0.00	\$0.00	\$93,213.00
	Repayment	9 (83)	\$0.00	\$158,040.96	\$0.00	\$158,040.96
	Housing Rehabilitation	9JB (83JB)	\$26,094.73	\$0.00	\$0.00	\$26,094.73
	Acquisition	9JB (83JB)	\$1,114.00	\$0.00	\$0.00	\$1,114.00
	Streets	9JB (83JB)	\$4,457.00	\$0.00	\$0.00	\$4,457.00

CDRG
 STARTED 1975
 THIS LIST WAS OBTAINED FROM
 on computer
 (CDRG)
 4/24/2003
 AT COMMUNITY DEVELOPMENT
 FREEHOLD,
 (732) 431-74
 OFFICE OF VIRGINIA EDWARDS

DOCUMENT 6

Sub-Recipient	Project Title	Program/ Fiscal Year	Initial Allocation	Reprograms	Deobligations	Adjusted Balance
	Housing Rehabilitation	10 (84)	\$80,193.00	\$0.00	\$68,657.21	\$11,535.79
	Streets	10 (84)	\$133,654.00	\$0.00	\$0.00	\$133,654.00
	Streets	11 (85)	\$95,340.00	\$0.00	\$0.00	\$95,340.00
	Streets	12 (86)	\$84,038.00	\$0.00	\$0.00	\$84,038.00
	Streets	13 (87)	\$100,000.00	\$0.00	\$0.00	\$100,000.00
	Neighborhood Facilities - Senior Center	13SUPP (87)	\$679,000.00	\$35,850.00	\$0.00	\$714,850.00
	No Project Funded	14 (88)	\$0.00	\$0.00	\$0.00	\$0.00
	No Project Funded	15 (89)	\$0.00	\$0.00	\$0.00	\$0.00
	No Project Funded	16(90)	\$0.00	\$0.00	\$0.00	\$0.00
	No Project Funded	17(91)	\$0.00	\$0.00	\$0.00	\$0.00
	Storm Drainage Improvements	18(92)	\$191,800.00	\$0.00	\$0.00	\$191,800.00
	No Project Funded	19(93)	\$0.00	\$0.00	\$0.00	\$0.00
	Road and Drainage Improvements	20(94)	\$213,506.00	\$0.00	\$0.00	\$213,506.00
	No Project Funded	21(95)	\$0.00	\$0.00	\$0.00	\$0.00
	No Project Funded	22(96)	\$0.00	\$0.00	\$0.00	\$0.00
	No Project Funded	23(97)	\$0.00	\$0.00	\$0.00	\$0.00
	Street Improvements - Hamilton Avenue	24(98)	\$192,162.00	\$0.00	\$0.00	\$192,162.00
	No Project Funded	25(99)	\$0.00	\$0.00	\$0.00	\$0.00
	Street Improvements - Stratford Avenue	26(00)	\$209,833.00	\$0.00	\$0.00	\$209,833.00
	No Project Funded	27(01)	\$0.00	\$0.00	\$0.00	\$0.00
	Street Improvements - Fisher Avenue	28(02)	\$278,978.00	\$0.00	\$0.00	\$278,978.00
			\$3,924,067.73	\$524,675.80	\$395,562.15	\$4,053,181.38

THE TIMES AT THE JERSEY SHORE,
7/11/2002, p. 6

Inside Neptune

By Neptune Township Mayor Patricia A. Monroe

Have you wondered, "What is going on in Neptune Township?" Everywhere you turn, you see construction and growth, demolition and improvement. Well, this hasn't happened without a vision and a plan. Back in 1997, the last time I was mayor, I decided that I wanted to see Neptune Township "on the map." We are a wonderful community that has been ignored and under-rated for a long time. I realized that our commercial corridors such as Routes 33, 35, 66, and West Lake Avenue needed to be promoted as desirable gateways for development that will bring tax dollars to the Township to help offset our property taxes. These corridors also are the windows, through which the public sees and perceives the character of Neptune Township. It was obvious that a lot of work needed to be done to spruce up not only these corridors but also the self-perception that many of us have about our own community.

Since then, several steps were taken by the Township Committee, including the writing of a new Master Plan to more clearly define our zoning regulations and to enhance the appearance of new construction design and landscaping. The revitalization of our code and construction departments both in appearance and personnel has been accomplished to make those departments more "user friendly" and responsive to both residents and developers. The hiring of a part time Economic Development Director has created a liaison for the developer, Township Committee, and Economic Development Corporation.

At the helm of promoting Neptune as a premier municipality, is a group of dedicated volunteers known as the Economic Development Corporation. These volunteers along with members of the Township Committee founded the EDC in 1994. First focused on improving Ocean Grove as both a desirable tourist destination and place in which to do business and to reside, they soon realized that they needed to expand their goals to encompass the entire Township. A set of Bylaws was established, and papers were filed to the State to become a New Jersey Nonprofit Corporation. The EDC is governed by a ten member Board of Trustees representing the Municipal, Business and development, tourism, commerce and trade, greater job opportunities, and a broader tax base for Neptune Township.

Several programs have been developed as a result of the EDC's efforts: the Mid-Town Neighborhood Empowerment Committee, streetscape plans for Ocean Grove and West Lake Avenue, and most recently, the hiring of Green Eggs, Not Ham, a public relations firm which will be used to create a positive image for Neptune.

This year, I have the privilege and pleasure of hosting Neptune Township's Tenth Annual



Mayor Patricia Monroe



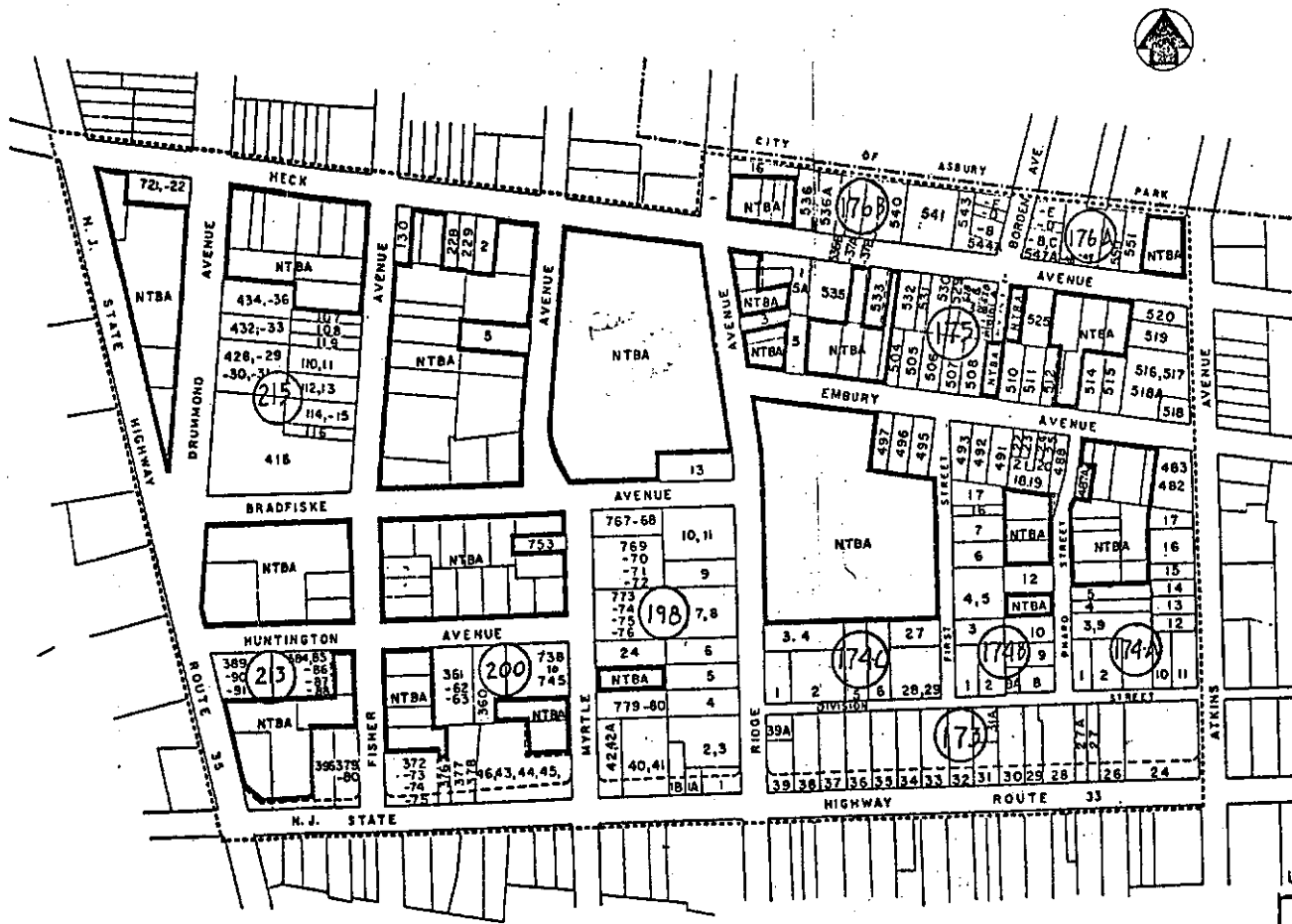
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Mayor's Ball on September 27, 2002. The theme is "Sailing on the Seas of Success." I have chosen the Economic Development Corporation to be the recipient of the monies raised from the Mayor's Ball. It is my way of saying "Thank You" to this group of volunteers which has joined me at the helm in steering Neptune Township toward becoming a premier community which we can all be proud to call our "Hometown."



LEGEND

- (17) BLOCK NUMBER
- 1,2 LOT NUMBER
- NTBA PROPERTY NOT TO BE ACQUIRED
- SEVERANCE LINE
- URBAN RENEWAL AREA BOUNDARY
- TOWNSHIP BOUNDARY

SOURCE: PART I - RIDGE AVE PROJECT

URP I

BOUNDARY MAP NEPTUNE MIDTOWN PRESERVATION AREA

TOWNSHIP OF NEPTUNE - MONMOUTH COUNTY N.J.

The "Street Index" is dated 2001.

Here is what Neptune owns within the project right-of-way -- and I think we can safely assume these properties were "acquired" for this project, starting in the mid-1960s. MANY PROPERTIES WERE TAKEN FROM HOMEOWNERS AND GIVEN TO BUSINESS.

<u>Block and Lot</u>	<u>Owner Listed in the "Street Index"</u>	<u>Owner in the Tax Office</u>
Blk. 200, Lots 43-46 and 370-378 1317 Corlies Ave.	Township of Neptune	Myrtle Avenue Land, L.L.C.
Blk. 198, Lot 1.02 1301 Corlies Ave.	Township of Neptune	Corlies Avenue Land, L.L.C. owns Lots 1, 1.01, 1.02, 2.3, and 40 to 42
Blk. 212, Lot 4.01 1400 Corlies Ave. ["Dunkin' Donuts"]	Township of Neptune	Corlies Neptune Realty Holding L.P.
Blk. 173, Lot 27 1209 Corlies Ave.	Township of Neptune	Township of Neptune
Blk. 173, Lot 27.01 1211 Corlies Ave.	Township of Neptune	Township of Neptune
Blk. 173, Lot 28 1213 Corlies Ave.	Township of Neptune	Township of Neptune
Blk. 173, Lot 30 1217 Corlies Ave.	Township of Neptune	Township of Neptune
Blk. 172, Lot 27 1218 Corlies Ave.	Township of Neptune	Township of Neptune
Blk. 172, Lot 28 1220 Corlies Ave.	Township of Neptune	Township of Neptune

This chart only deals with Project #33(9A), the widening of Corlies Avenue by taking properties along the North side. Many other homes have been or will be taken. See the enclosed "Boundary Map: Neptune Midtown Preservation Area" delineating properties NOT TO BE ACQUIRED (NIBA). We can assume that all the properties NOT so marked have fallen, or will fall, to the wrecking ball as part of "Midtown Revitalization." A community targeted for help is being destroyed.

As I know from personal experience, NJ DOT takes whole properties, not just the strip they need to widen the highway. If the whole property then ends up in the hands of a private for-profit developer [such as the 3 corporations above], then the family has been evicted and their home destroyed for a primarily private purpose, the profits of the acquiring developers. This is unconstitutional. But when it is done with HUD/CDBG money, it is outrageous.

NEPTUNE TOWNSHIP'S ACTIONS TO DESTROY COMMUNITY, EVICT LONG-TERM RESIDENTS
AND GIVE OVER THEIR PROPERTY TO PROFIT-MAKING BUSINESSES AND CORPORATIONS

On a vacant lot in the Project #33(9A) right-of-way (ROW), stands
this sign:

COMING SOON
* CORLIES PLAZA
MINI OFFICE WAREHOUSE SUITES FROM
300 sq. ft.
available summer/fall 2003
Call (732) 775-7228

This tells us, as does much other evidence, that the widening of Route #33
is a part of the RATABLES CHASE: the mistaken belief that the revenues from
business ratables will stabilize the tax base. After 50+ years of the
ratables chase, we know that the opposite is true: over a period of years,
adding ratables only destroys open space, drives out faithful taxpayers,
and raises taxes.

MUNICIPAL
DEVELOPMENT

SCARINCI & HOLLENBECK

Attorneys At Law



PUBLIC LAW

REDEVELOPMENT THROUGH CONDEMNATION: The Key to Municipal Revitalization

By Kenneth A. Porro and Sheri K. Siegelbaum

Reprinted from:
New Jersey Lawyer, April 1995

FROM THE
INTERNET

There is no tool more effective than redevelopment to revitalize and replenish a municipality's declining tax base and dwindling state and federal funding. This article provides an overview of the laws applicable to redevelopment through the power of condemnation.

REDEVELOPMENT LEGISLATION

A municipal governing body can exercise its redevelopment and rehabilitation function under the authority set forth in N.J.S.A. 40A:12A-4. The redevelopment plan is subject to certain preliminary investigation by the municipal planning board and the existence of specific substandard conditions that the delineated redevelopment area must contain.

After the redevelopment area has been established and a redevelopment plan adopted, the acquisition of property may be pursued under the laws of eminent domain. This article addresses the procedures necessary for a municipality to acquire designated property for redevelopment under the laws of eminent domain.

CONDEMNATION PROCEDURE

The procedure for condemnation is set forth in N.J.S.A. 20:3-1 *et seq.* And Rule 4:73-1 *et seq.* The Superior Court of New Jersey has jurisdiction over all matters involving condemnation.

The legislation and rules relating to condemnation procedures come into play only if the public entity in question is unable to negotiate the acquisition of title to the property for the particular public purpose in question. The condemnation process can be used only if the municipality determines that a private property is required for a public purpose.

The statute requires *bona fide* negotiations with the condemnee. *Bona fide* negotiations include a city's obtaining an appraisal for the property and then making a written offer in an amount not less than the amount determined by the municipal appraisal expert. A copy of the municipal appraisal report must also be provided to the condemnee.

If the municipal offer is not accepted, then an action by way of a Verified Complaint may be filed with the Law Division demanding the following:



U.S. Department
of Transportation

Federal Highway
Administration

Memorandum

Subject: Meeting concerning Rt. 33
from Rt. 71 to Rt. 35

Date: January 14, 1993

From: Ben Kirsh *BK*
Assistant Area Engineer

Reply to
Attn. of: HB-NJ

To: Gary Corino
District Engineer *G*

The meeting involved the discussion of the subject project, which thus far has been funded with 100% State funds, and the probability of procuring Federal funding if it was once denied approximately 30 years ago. The particulars comprise of a request for Federal funding sometime in the 1960's and the denial from this office due to Neptune Township's use of Urban Renewal funds to obtain the necessary ROW. This then precluded any alternative alignments then the one chosen. It was decided that NJDOT will review the ROW acquisition procedures to determine if it was in accordance with the Uniform Act and then we would get a review and concurrence by our ROW office. Also, NJDOT would review and write a report on the alternative alignments for submission to us. If all is found to be acceptable, the project could proceed with LOA development and design utilizing Federal Funds.

Personnel at the meeting:

Gary Corino
Ben Kirsh
Miriam Crum
Jerry Thomas
Lou Pace
Warren Howard
Al Smith

MONMOUTH

*BEN - 2/9
Please give
me file numbers
for these.
Toni*

*NEPA law
7's a 324*

MONMOUTH 7-6

**NEPTUNE TOWNSHIP
MIDTOWN NEIGHBORHOOD
*EMPOWERMENT PLAN***

Goals and Actions: Years 2-3

**NEPTUNE TOWNSHIP
MIDTOWN NEIGHBORHOOD EMPOWERMENT
COUNCIL**

An Urban Coordinating Council Initiative

Initiated and Sponsored Locally by The Neptune Township Committee

December, 1999

ECONOMIC DEVELOPMENT

This component is written for the 6 corridors that represent the mid-town business/commercial district. They are identified as West Lake Avenue, Route 33, Route 35, Memorial Drive, Asbury Avenue, and Neptune Boulevard.

The goal of this committee is to promote economic growth, development and renewal; and to improve both the quality of life and the standard of living of the mid-town residents through partnership and collaborative planning with local officials, the Economic Development Corporation, and all stakeholders in Neptune Township.

Striving to create a greater economic climate in mid-town will have a powerful and positive impact on all of Neptune Township and is a vital component to the revitalization efforts. The planning process alone has already created a new energy, and a renewed commitment to creating a better quality of life, while building strong partnerships.

Throughout the data-gathering process residents expressed the need for more personal service businesses in the neighborhood, particularly on West Lake Avenue, that would create higher paying jobs for residents. Business owners indicated a need for a variety of assistance in locating qualified employees, expanding their facilities, and promoting their businesses. Emerging entrepreneurs and minorities need support and technical assistance to get started in business.

By assessing the needs of both the residents and the businesses, this committee in concert with township officials and the EDC; coupled with county, state, and federal initiatives, can now work to provide a comprehensive road map by utilizing the issues and goals provided for transforming the mid-town business/commercial district into a viable, sustainable, economic hub for all Neptune Township resident and neighboring communities.

With the focus on the aforementioned goals, this committee has composed a detailed list of the mid-town's business district's attributes, problems, needs, and goals; which strategically addressed, will create a powerful economy and favorable business climate.

**ECONOMIC DEVELOPMENT
ATTRIBUTES**

ROUTE 33

D.O.T.'s plan to widen
Existing commercial businesses
Intersects major arteries
Access to regional transportation
Strong economic market
Corridor to Ocean Grove Beach

MEMORIAL DRIVE

Strong existing industrial business base
Four-lane highway in good condition
Access to regional transportation
Intersects major arteries

NEPTUNE BOULEVARD

Municipal Complex in great condition
Schools in great condition
Wide street
Strong professional/office district
Accessible to highways

HIGHWAY 35

Access to major thoroughfares
Strong business corridors
New business growth
Strong business reinvestment
Three fast food anchors
International business anchors

WEST LAKE AVENUE

Ample vacant land for development
Infrastructure is in place
Perfect accessibility for regional
transportation and major highways
Established economic market
Corridor which connects to a UCC-UEZ
zone (Asbury Park)
Representatives of local banks nearby
Corridor to Asbury Park's beach

ASBURY AVENUE

Public transportation, existing bus routes
Access to major highways
Stable existing businesses
Solid residential/economic market

**ECONOMIC DEVELOPMENT
PROBLEMS & OBSTACLES TO ECONOMIC GROWTH**

ROUTE 33

D.O.T's uncertainty prohibits investment
Mix of residential and commercial
Finding the best commercial use
Maintenance of residential properties
Curbing and sidewalks in disrepair
Lack of trees, streetscaping, lighting
Lack of integrated transportation
Traffic flow congestion
Lack of parking
Safety concerning railroad crossing
No specific facade design

MEMORIAL DRIVE

Lack of trees/streetscape
No specific facade design
Looks too industrial
Lack of property maintenance
Lack of attractive signage
Lack of landscaping

NEPTUNE BOULEVARD

Vacant land
Existing wetlands-cannot develop
Poor street lighting
No sidewalks for pedestrians/bikeways
Preservation of open space (Sand Hill, etc.)
Lack of public transportation

HIGHWAY 35

Negative perception
Traffic congestion and safety concerns
Lack of parking
Maintenance of businesses
Mixed residential and commercial
Lacks lighting, trees, & streetscape
Poor resident/business relationship
Lack of cohesiveness/interest between
business/residents/government
Lack of strong sign ordinance

WEST LAKE AVENUE

Negative perception
Lack of coordination with Asbury Park
Vacant properties
Mixed residential
No commercial/retail plan
No streetscape, tree, parking plan
No integrated transportation
Uncertainty inhibits investment
Lack of financial partners

ASBURY AVENUE

Vacant properties
Lack of property maintenance
Setback regulations not enforced
(regarding auto stores)
Lack of pedestrian access
No integrated transportation

**ECONOMIC DEVELOPMENT
COMMUNITY AND BUSINESS NEEDS**

ROUTE 33

Streetscape plan and funding
Stricter code-enforcement
Skills Training Facilities
University annex
Indoor recreation
Jogging/bike paths
Safety mechanism for railroad crossing
Additional parking
Better traffic flow

MEMORIAL DRIVE

Streetscape plan and funding
Jogging/bike paths
Attractive signage
Attractive lighting

NEPTUNE BOULEVARD

Develop vacant land
Encourage technology facility on north end
Need better street lighting
Need pedestrian sidewalks/bikeways
Public transportation

HIGHWAY 35

Need to encourage a more upscale look
Less traffic
Attractive signage
Need additional parking
Assistance with resident/business-owner relationships
Need to enforce existing signage ordinance while adopting a stronger ordinance
Overcome negative perception
Need overall facade program

WEST LAKE AVENUE

Personal service businesses
Convenience stores
Boutiques, upscale specialty shops
Ethnic-style markets
Store-front style restaurants
Entertainment
Medical services
Improved lighting
Total streetscape
Family Life Center
Sidewalks and curbs needed throughout residential area

ASBURY AVENUE

Develop vacant land
Enforcement of property maintenance code
Enforcement of setback requirements for auto shops/stores.
Needs integrated transportation
Improved lighting
Sidewalks

ECONOMIC DEVELOPMENT THE GOALS

The central challenge to implement the goals of the Economic Development Committee for the economic revitalization of the mid-town business district will not be taken on exclusively by this committee. Instead, in partnership with the Township Committee, the Economic Development Corporation; the cooperation of the Planning and Zoning Boards, as zoning amendments will be required for certain initiatives, and other agencies. However, the goals indicated by asterisk can be initiated by this committee with limited resources.

1. To create an economic plan to encourage commercial investment in Midtown on the six commercial corridors.
2. To foster a positive perception of Midtown as Neptune as a whole.
3. To ensure the sustainability of commerce within Midtown by attracting businesses, and small business resources which will address the needs of the Midtown community at large and retain economic resources within Neptune as a whole.
- *4. To offer educational/entrepreneurial programs to assist new and existing business owners.
- *5. To create an environment of harmonious coexistence between businesses and residents in mixed-use areas and in Midtown overall.
6. To provide a cohesive business forum and/or organization to promote economic growth within Midtown. (Chamber of Commerce)
7. To provide programs and resources to encourage maintenance and beautification of existing business and residential structures in order to provide a desirable aesthetic effect within Midtown.
8. To develop a streetscape plan which will include the addition of trees, pedestrian walkways, bike paths, lighting, and signage.
9. Develop gateways as strategic locations in the Midtown business district to create excitement for future development.
- *10. Develop a park and open space plan that will encourage a positive quality of life for Midtown residents and businesses.

**ECONOMIC DEVELOPMENT
THE GOALS CONTINUED**

11. To integrate all facets of the local transportation system in order to transport the consumer to the business corridors.
12. To create a plan which will promote further utilization of the Asbury Park Transportation Center in order to more adequately facilitate the commuter.
13. To pursue designation as a UEZ.
- *14. To lobby for the Center's Designation Application Approval.

(On all numerated items without the asterisk, the Action Plan, Estimated Time, etc. will be coordinated with local officials and the EDC)

***Action Plans to be implemented by the NEC's Economic Development Committee**

Action Plan *4: This committee will meet with representatives to set up training programs for new and existing business owners.

Estimated Time:

1/30/00	The Economic Development Committee will commence discussion.
4/1/00	Programs to be offered by this time.

Estimated Cost:

TBD

Potential Resources:

NJ Economic Development Authority

CITY OF ASBURY PARK

ATLANTIC OCEAN

BOROUGH OF BRADLEY BEACH

THIS IS THE PORTION OF NEPTUNE'S "REDEVELOPMENT ZONE MAP" OF NOVEMBER 2002 THAT SHOWS THE BRADLEY PARK/MIDTOWN AND ATKINS AVENUE AREAS (WHERE LOW/MID-INCOME PEOPLE LIVE). BLUE MEANS A REVITALIZATION AREA; RED IS SLATED FOR REDEVELOPMENT. IN BOTH RED AND BLUE AREAS, EMINENT DOMAIN CAN BE LEGALLY USED TO TAKE PROPERTY AWAY FROM HOMEOWNERS AND GIVE IT TO BUSINESS DEVELOPERS UNDER A "REVITALIZATION PLAN" OR A "REDEVELOPMENT PLAN."

THE MORE PROSPEROUS, MORE UNIFORMLY CAUCASIAN AREAS ON THE MAP ARE OFFICIALLY DECLARED "FULLY DEVELOPED", SO EMINENT-DOMAIN-FOR-PROFIT-MAKING BUSINESSES CANNOT HAPPEN THERE. . .

BOROUGH OF NEPTUNE CITY

DOCUMENT 7-2



State of New Jersey

DEPARTMENT OF TRANSPORTATION
1035 Parkway Avenue
CN 600

Trenton, New Jersey 08625-0600

CHRISTINE TODD WHITMAN
Governor

Mr. Richard Cuttrell
Township of Neptune

JOHN J. HALEY JR.
Commissioner

Re: Route 33 Widening
Corlies Avenue

January 11, 1999

Dear Mr Cuttrell:

In regards to our conversation earlier today, I wish to update you on the progress/ delays to this project.

The Department has recently been informed by our Planning Bureau that this project is to be evaluated by the Federal Highway Administration(FHWA) and the Metropolitan Planning Organization(NJTPA) for the need of a Congestion Management System Study(CMS).

A CMS determines whether the dualization of a roadway is absolutely necessary or if alternatives such as ride sharing, additional bus routes, construction of park and rides etc. could be a viable alternative to the widening of the roadway. Any widening project that receives Federal funding for any aspect of a project, may be subject to a CMS.

Our approach originally, soon after we found out that a CMS may be required, was to look at this project from a different viewpoint, an accident analysis viewpoint, to possibly rule out the need to widen this section of roadway strictly from a increased capacity need. Upon conducting an accident analysis, it has been determined that this approach would be a hard sell to the FHWA and NJTPA. Failure to get a CMS waived would add a minimum of 1-1/2 years to the design end of the project and the NJTPA determination of the CMS may come back to make the Department perform Alternative Analysis's such as listed above and delay this project even longer.

However, upon discussions today with our Planning Bureau, alternatives were discussed which would make this whole process go away. The first would be to go 100% state funded for the entire project, Right of Way and Construction. Design is already 100% State funded. Second, and the preferred, is to continue with design utilizing the same roadway cross section as with the widening project but striping for outside shoulders instead of the additional lane. The center left turn lane would also still exist as well as all Right of Way

impacts. I've sketched a plan of this on the attached sheet. I believe that this should be highly considered by the Town Council. By changing just the striping I can go ahead and not have to stop work on this project in May due to the CMS. I could remain on schedule to begin purchasing Right of Way in October/November of this year and be out to Construction in Spring of 2001 — just as originally promised. As should be realized, the drawback would be 1-lane in each direction as currently exists today, but a much safer roadway with a left turn lane and wide shoulders that could be used for emergency response etc..

To the best of my knowledge, there is no getting around the NJTPA unless of course the FHWA and NJTPA waive this project for a CMS determination.

The alternative as listed above gives us that "out".

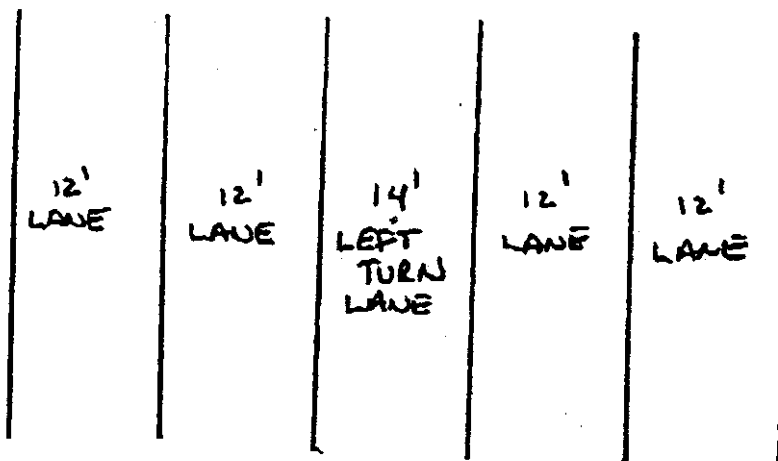
I'm still running with the design and we are progressing very nicely — just as scheduled.

I'm committed as you are to getting this thing built.

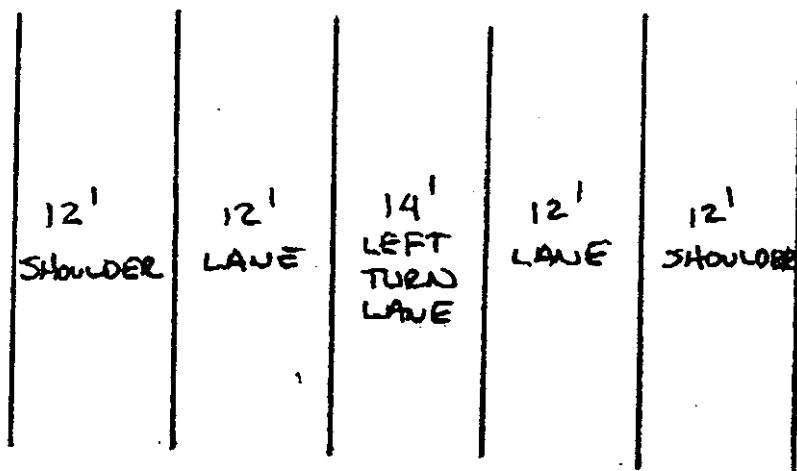
Sincerely,

A black rectangular box redacting the signature of the Project Manager.

Project Manager



OLD WIDENING PROPOSAL



NEW PROPOSAL

These are neighborhood kids sitting in lead-paint chips at Bradley Park School.

Lead poisoning could make them stupid, badly-behaved, neurologically impaired, very sick, comatose and dead.

The State Board of Health just issued a 6-page report confirming high levels of lead in the outside paint at Bradley Park School.



THIS IS THE FORMER "BRADLEY PARK SCHOOL" ON RIDGE AVENUE BETWEEN NINTH AND TENTH.



Sold 1987 to private owners, out-of-town speculators, who let it become an EYESORE, reducing other peoples' property values.

Neighborhood kids, with noplac else to play, for many years sat in lead chips on the front steps. The smaller kids played football in lead-dust on the front lawn.

WE BEGGED FOR HELP from Mayor McMillan and Township Committee members KRINKO, MANNING and MONROF. The lead could have been encapsulated for \$8000. . .by the owners, thru enforcement of the BOCA Code. No tax \$\$ involved.

They could condemn the property as BLIGHTED, to give the kids a desperately-needed ballfield.

BUT THEY'VE DONE NOTHING

(EXCEPT THAT IN OCTOBER 1999 FORMER MAYOR BESON ACCEPTED A \$2500 CAMPAIGN CONTRIBUTION FROM JACK ADUMI, ONE OF THE OWNERS OF BRADLEY PARK SCHOOL).

WHO'S PEALLY PAYING THE PRICE FOR THIS CRIMINAL NEGLECT? The children of Bradley Park.

If you'd like to see something done about this, please write your name on this flyer and hand it to any Committee member or to any member of our group,

Bradley Park Neighbors
phone [REDACTED]



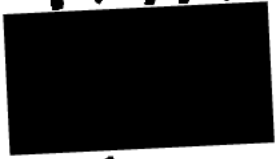


DOCUMENT 9-1

7/9/2000

OUR KIDS HAVE NO PLACE TO
PLAY AND THEY'RE BREATHING
LEAD  FROM BRADLEY
PARK SCHOOL...









DOESN'T CARE
SHE CARE
LIVES
IN
"THE
HILLS"

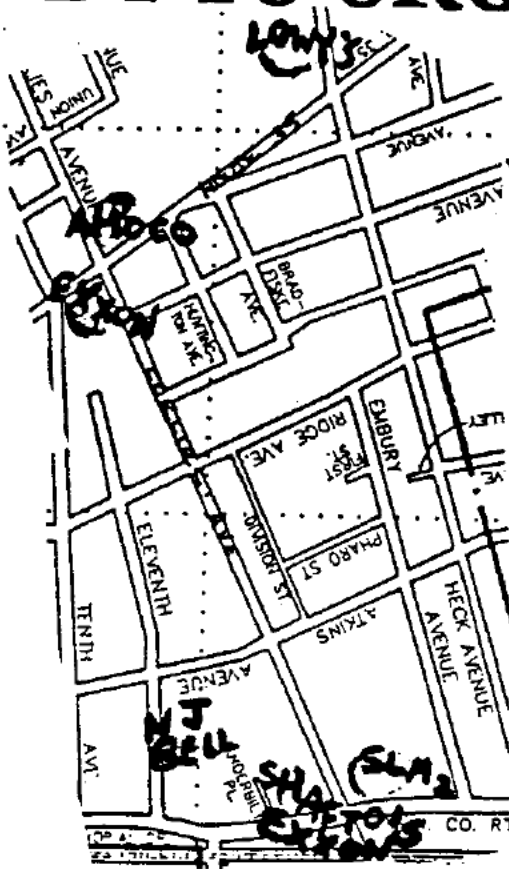
WHEN YOU THINK OF 
 THINK OF
BRADLEY PARK SCHOOL
AND HOW  
BETRAYED US! 

with
The  DOCUMENT 1-

ARE YOU READY TO ORGANIZE?

AGAINST:

-  **ANY MORE
TOXIC SITES**
-  **NO PLACE FOR
OUR KIDS
TO PLAY**
-  **UNSAFE STREETS**
-  **ABANDONED
BUILDINGS**
-  **CODE
HARASSMENT**
-  **HIGH TAXES AND
NEGLECT?**



**WE HAVE MORE
TOXIC SITES
THAN
ANY OTHER
NEPTUNE
AREA!!** *



* Map shows sites as recorded with the N. J. Department of Environmental Protection

SHOW YOU CARE!

COME TO A MEETING
SUNDAY SEPTEMBER 14 -- 3 to 4 P.M.
at the
VFW HALL, 1515 CORLIES AVE., NEPTUNE

For information phone:

DOCUMENT 9-3

Lead

From Page B1

and charge them twice the cost.

The group, which includes Republican Township Committeeman Thomas Catley and Republican committee candidates David Shotwell Jr. and Isias Calderon Jr., also was formed to put pressure on the committee. It wants the committee to enforce the state Building Officials and Code Administrators International (BOCA) codes that govern the safety of property. It also feels the township could condemn the site through eminent domain and turn it into recreational space.

"You can have lead poisoning and not be openly sick," Arguros said. Children can show signs of it through mental slowness, she said. "It manifests itself in these ways. It doesn't go away unless you put the kid through a special process to take the lead out."

Children under 6 or 7 years of age are particularly vulnerable to lead poisoning because their organs are not completely formed yet and they process much more of the lead taken in than adults do.

The committee, which is made up of Democrats except for Catley, has said it cannot enforce the BOCA codes because the matter of lead contamination is being investigated by the county. The state, in a letter to the township, has said the committee still has the right to enforce the laws.

ss: NAACP says hotels aren't making the grade in treatment of minorities. B5

ASBURY PARK PRESS | TUESDAY, OCT. 10, 2000

MONMOUTH

SECTION B

Group plans rally to remove lead

By VINCENT TODARO
CORRESPONDENT

Aim is to get Neptune's Bradley Park School cleaned up

NEPTUNE — A rally and free blood screening for children will be held at the former Bradley Park School on Friday as a local group tries to help area youngsters who may have been exposed to lead at the school.

A rally and press conference will be held outside

the school on Ridge Avenue from 3 to 4 p.m. In conjunction with that, a blood screening for uninsured children ages 6 and under will be held from 2:30 to 4:30 p.m. at the Omni Building on Corlies Avenue.

The rally's purpose is to raise awareness of the ex-

istence of lead at the former school, and to pressure the site's owners to clean it. There will be an open microphone during the rally for public comment. A nurse will discuss the dangers of the lead poisoning, said [redacted] founder of Bradley Park Neighbors, which is

organizing both events.

The group, dedicated to having lead at the school remediated, was formed about two months ago. Its members feel that local children may have been contaminated by illegally high levels of lead there. The school was tested by

health boards, and each found that lead levels in the front of the school are much higher than law allows.

The Monmouth County Board of Health said that because the site has "no trespassing" signs, it is okay for the levels to be high. But residents argue

that children do not pay attention to the signs and play on the site regularly.

[redacted] said the state Board of Health has not only said the levels are too high but also se [redacted] to the property.

[redacted] and [redacted] The letter said they must have the lead remediated or the state could do it

See Lead, Page B4

ASBURY PARK PRESS



August 15, 2000

Story Search

[Go Back](#)

Neptune group wants lead removed

Published in the Asbury Park Press 8/15/00

By VINCENT TODARO
CORRESPONDENT

NEPTUNE -- A group of residents has formed a coalition to put pressure on the township to remediate lead contamination at the former Bradley Park School.

About 15 people, calling themselves the Bradley Park Neighbors, met Aug. 8 at town hall to discuss solutions to two problems: how to get rid of the lead and how to have the former school used as recreational space for area youths.

The New Jersey Department of Health and Senior Services inspected the property on Ridge Avenue on July 12 and found that paint in the front of the school had 10,000 parts per million of lead. State law allows for no more than 400 parts per million to contain lead.

The state also tested an area near a tree in the front of the school and a sandy area in the back. While neither had limits that are illegal, residents are questioning whether they are actually safe.

The health department then contacted the state Department of Environmental Protection, which sent a letter to co-owner [REDACTED] of Spring Lake, saying the property was contaminated. It said that he and [REDACTED], the other owner, had 30 days to remediate the lead or the state could do the job and charge them three times the cost. The 30 days expired Aug. 7, and the lead has still not been remediated, residents said.

Reached by telephone, [REDACTED] declined to comment on the matter.

Residents said that children play on the front lot of the school. Children under 6 are particularly vulnerable to lead poisoning because their organs are not fully developed yet, according to Paul Carberry, a state-certified lead inspector. Children also absorb about 10 times as much of the lead taken in by their bodies than adults do.

Also at last week's meeting were Republican Committeeman Thomas Catley, a former Monmouth County assistant prosecutor, and Issaias Calderon Jr. and David Shotwell Jr., two Republicans who are seeking Township Committee



seats in the November election.

"I campaigned last year on the need for recreation in the Bradley Park area and the health hazard it presents to the neighborhood," said Catley. "There's really not a site to build a playground other than Bradley Park School. If Bradley Park School could be converted into a recreational area it would solve the two problems."

Catley said he has been urging the Township Committee, which is made up of four Democrats and himself, to remediate the health hazard, but "nothing has really come out of that."

"I would like to be part of this group and help move this along to a solution," he said.

The group was in large part organized by local activist [REDACTED]. Catley credited her as being a "tireless worker."

Catley questioned why Mayor Kevin McMillan has said he has a conflict of interest due to a past relationship with [REDACTED] on the Boys and Girls Club of Monmouth County. Citing that relationship, the mayor has taken himself out of decisions on the school property.

"He's no longer executive director of the Boys Club nor is [REDACTED] still on the board of directors," Catley said. "I don't know where the conflict is."

Two residents of Ninth Avenue, [REDACTED], said they were in favor of removing the lead and giving children a place to play besides the street. They were concerned, however, that if the property is purchased by the township and used for a recreational area, it might increase crime in the area. Both said they have seen drug dealers in the area already.

"If it is going to be turned into a recreational area, it should be well-lighted and locked at night," [REDACTED] said.

[REDACTED] said that [REDACTED] and [REDACTED] who have owned the former school since 1986, have left the township with an eyesore. She said she has helped many homeowners there successfully file tax appeals because their homes have decreased in value and wants to encourage other owners to file.

Shotwell said the group should look for children who may have already been harmed by the lead. He said that if the owners realize they could be sued, they may decide to take actions to solve the problems.

Published on August 15, 2000

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Site design by INJersey.

Lead in former school focus of Neptune fight

By VINCENT TODARO
CORRESPONDENT

NEPTUNE — A disagreement has arisen between the township, residents and owners of the former Bradley Park School over whether the site has levels of lead that are dangerous and illegal, as well as a number of other code violations.

The Monmouth County Board of Health has confirmed that levels of lead in the paint are higher than what is safe, but has said the area does have "no trespassing" signs.

"But the building is open to trespassers," said area resident and activist [redacted]. "The area is not fenced in. These (lead) flakes also turn into dust and it blows out of the area. They act as if it isn't blowing."

"They (local children) are on the property and there are no barriers for them to not be on it," said Paul Carberry, a local lead inspector and risk assessor who is also a state-certified lead abatement contractor.

The school, which was closed in 1986, has been an issue for a few years because some residents want it to be purchased by the township in order to provide recreational space. The residents say there is not another area large enough for ball fields and other activities for children.

The township has negotiated with the two owners of the property, [redacted] and [redacted], but has not struck a deal. Even if the township does not purchase the area, residents say it still needs to take action to remedy the 25 alleged code violations.

[redacted] said that children will not always pay attention to the "no trespassing" signs and, in fact, still play in the front lot of the school. She said that some parents have warned their children not to play at the property, so more of them are now playing games in the street.

"They play ball games — there are sometimes a dozen out there at a time. They often pull a portable net and put it in the middle of the street," she said.

She said that having children play in the street is unfair — and unsafe — to them.

Carberry, who said he looked at the site in 1998, said his professional opinion was that "if you have kids sitting there, they are in grave risk if they ingest or inhale any of that lead-based paint."

Those under 6 are at the worst risk, he said, because their organs

aren't fully developed yet.

He said that whenever there are lead chips present, there is also usually lead dust, which can be blown to nearby areas.

Mayor Kevin McMillan said he has taken himself off the matter because he has a conflict of interest due to a past association with one of the building's owners, although he wouldn't say which one.

Property owner [redacted] said the site has no code violations, and that he was told about two years ago by a Monmouth County agency that the site has some lead, but not nearly enough to pose a health hazard. He said he could not remember which agency told him the site was free of lead contamination, but that, as far as he could tell, the site is "perfectly safe."

He said that area children do use the site to play football, and that he is considering fencing it in to keep them away.

He also said he has been a "good neighbor" and let the township, as well as state troopers, use the property for disaster drills. [redacted] is the only person making an issue out of the property, he said, adding that she is simply angry that he would not allow it to be used as a food bank a few years ago.

[redacted] said there was a plan a few years ago for the township to use the property as recreational space but that [redacted] "ruined it."

"The town does not have a playground because of [redacted]" he said. "She's an evil person. She's against things just to be against things."

[redacted] said the township has a number of options, all of which it has refused to take. She said it could remediate the lead by enforcing code; do the remediation itself and charge the owners; condemn the property as blighted; or try to acquire the property through eminent domain.

Carberry said the township could have the lead "encapsulated" — a procedure whereby a liquid coating is sprayed on the lead-based paint, which eliminates the hazard. He said that he has offered to do that without making a profit, and that the whole job would cost the township less than \$10,000.

Among the other alleged violations are that the site is a public nuisance, is dilapidated, is not sealed off, contains asbestos, and has no warning of the lead-based paint according to [redacted].

MONMOUTH

SECTION

State funds to help provide area for children to play



DARYL STONE/Photographer

With few options for recreation space, Samantha Proctor, 7, jumps rope as her sister, LaKeisha Henderson, 10, spins the rope outside their 10th Avenue home in Neptune, joined by Nigel Flowers, 2, Asbury Park.

Playground may replace empty Neptune school

By TRACY ROBINSON
COASTAL MONMOUTH BUREAU

On nice days, Patrina Proctor parks in front of her 10th Avenue home in Neptune instead of the driveway so her children can use it as part of their play space.

"We're lucky we've got a fenced-in yard," Proctor said.

But for other children in the Bradley Park neighborhood, "there is nowhere to go," she said.

That may change soon.

The township plans to build a small playground on the Ridge Avenue property where the circa-1920 Bradley Park School currently stands between 9th and 10th avenues.

"It will definitely help keep the kids off the street," said Proctor, a mother of five who also baby-sits neighborhood children.

The township has been awarded a state Green Acres grant of \$275,000 to fund the first phase of the project — property acquisition and demolition of the school, said Township Business Administrator Philip Huhn.

Huhn said he hopes to have the property acquired and the school building demolished by mid-summer.

Neighborhood activists such as

"It (the playground) will definitely help keep the kids off the street."

PATRINA PROCTOR
NEPTUNE MOTHER

Nigel Flowers, 2, Asbury Park, makes a basket under the watchful eyes of Samantha Proctor, in the driveway of her Neptune home.

DARYL STONE/Photographer



have pressed for some time for a safe place where children can play.

"It has taken a long time but I'm very happy about it," said.

"Finally the children are going to have a central place to play within calling distance of their homes."

agreed Corlies Avenue resident Sheryl Goff.

In 1997, said, she became vocal about getting a playground after noticing that the "kids had to play in the street and that

See Park, Page B4

DOC-
MENT
9-7

Park

From Page B1

place (the school) was just standing there."

The first plan was to lease the land for \$1 a year, and use the existing play area outside the school. Although the play area was "just black top," it would be an improvement over playing in the street, [redacted] said.

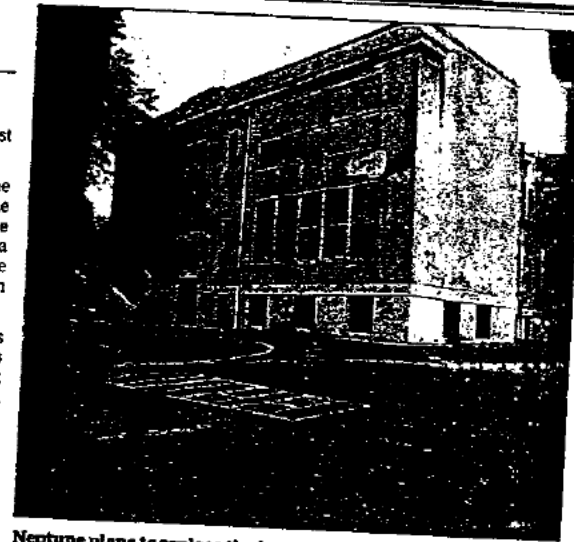
Yet shortly after the land was leased by the township, officials discovered lead-based paint peeling off the school building, and the idea was scrapped.

Residents were concerned that the paint could be harmful to children using the playground, and the owners of the former school property were not conducive to making repairs there, said Mayor Joseph Krimko.

The school has been an "eyesore and a problem for the neighborhood," said Township Committeewoman Patricia Monroe.

The Green Acres program, administered by the state Department of Environmental Protection, will provide a grant for 75 percent of the property's cost and a low interest loan for the remaining 25 percent, Monroe said.

"There are residents over



Neptune plans to replace the former Bradley Park school with a playground.

there that have been very vocal about it and justifiably so," Huhn said.

Huhn said the township has applied for more than \$1 million in Green Acres funding for the playground project. He estimates that demolition of the school will cost from \$75,000 to \$100,000, "depending on what they find in there."

Although the asking price of the property is \$600,000, an appraisal done in April found the

roughly 3-acre parcel owned by [redacted] and [redacted] is worth \$245,000, Huhn said, adding that the township will forcefully obtain the property if necessary. Such rights called eminent domain, "allow municipalities to take properties that are considered of public interest," Huhn said.

The school property has sat vacant since it was sold by the school district more than 15 years ago, said Committeeman James Manning.

The former "Bradley Park Elementary School", 301 Pic Avenue, has stood closed down for many years, in the midst of our family-residential community. The building is an eyesore. It may pose a public danger or public nuisance as well.

Please instruct Code Enforcement to immediately inspect these premises, both interior and exterior. Inspection should include the taking of neighbors' testimony. If violations are found, they must be corrected. If not, we ask this Township to protect our health, safety and welfare by using all of its lawful powers to cause a remediation -- including, if necessary, eminent domain, condemnation, all fines and all penalties. Please enforce Neptune Code provisions 11-3.1, et seq., 11-3.2, 11-3.3 and their underlying ordinances, empowering the Township to do the remediation and chargeback the responsible party. Please enforce Ordinance #1461.

We notice there is at least a possible violation of the following provisions of Neptune's BOCA National Property Maintenance Code:

Chapter 3, PM-301, PM-302.1, DEFINITIONS OF PUBLIC NUISANCE:

- 2 - "attractive nuisance to children" (they have no other place to play)
- 6 - are the plumbing, heating and other facilities intact and operating?
- 7 - is rubbish kept cleared away? is the weed-growth cut?
- 8 - "in a state of dilapidation, deterioration or decay * * * open, vacant or abandoned * * * dangerous to anyone on or near the premises."

PM-301.3, Vacant Structures: "shall be maintained in a clean, safe, secure and sanitary condition * * * so as not to cause a blighting problem. . ." (our italics)

Structures not in compliance must be "sealed with 1/2-inch plywood * * * painted white." IS THE BUILDING SEALED? ARE THE BOARDS INTACT AND PAINTED?

PM-305.4, Lead-Based Paint: The property must be "free from peeling, chipping and flaking paint" or the paint must be "removed or covered in an approved manner." Lead-paint surface must be "identified by approved warnings. . ."

Chapter 7, Fire Safety Requirements, PM-703.2.

Tax records indicate the building is being used for storage. Storage of "combustible rubbish, such as wastepaper, boxes and rags" must comply with the Building Code and the Chapter 8 Fire Prevention Code. WHAT IS BEING STORED THERE, AND IS IT STORED SAFELY? PM-705.2, Fire Suppression System "shall be in proper operating condition at all times." IS SUCH A SYSTEM IN PLACE? IN PROPER OPERATING CONDITION?

PM-304.19, "owner" * shall be responsible to paint over or remove all graffiti, at the discretion of the inspector. . ."

PM-303.3, Sidewalks * * * shall be kept in a proper state of repair * * * and maintained free from hazardous conditions. . ."

PM-303.7, Accessory structures such as fences shall be maintained "structurally sound and in good repair."

PM-304.2, exterior painting: NO "peeling, flaking and chipped paint"

PM-304.6, exterior walls to be free from holes, breaks, loose or rotting materials and "properly surface coated * * * to prevent deterioration."

IS THERE ANY LAW EXCUSING SOME PROPERTYOWNERS FROM COMPLIANCE?

PLEASE, COMMITTEEMEMBERS, HAVE THIS INSPECTION UNDERTAKEN IMMEDIATELY, AND REPORT BACK TO US ON OR BEFORE JULY 20, 1998.

The Ad Hoc Committee
Phone 774-0217

If the owners regard its market value as \$500,000
why are they paying taxes on only \$166,000?

DOCUMENT 9-8

NOTE: THE TWP DID NOT RECORD THIS

Taxpayers (building) removed at \$51,000
\$6900 in arrears on taxes as of May 1998

WHAT ITS ALL ABOUT

- * Neptune Township admits that the Bradley Park area desperately needs a play space for children – and the old school property is the only parcel big enough.
- * In 1986 they closed the school -- it had "outrageous amounts" of toxic lead and asbestos. They sold it "cheap" to two rich speculators, [REDACTED] and [REDACTED]. (NOTE: [REDACTED] donates big bucks to politicians!)
- * Since it's now privately owned, the big school playground, bought with our tax dollars, is CLOSED TO OUR CHILDREN. OUR KIDS HAVE TO PLAY IN THE STREET.
- * Spring 1998: at our insistence, the Township got [REDACTED] and [REDACTED] to sign a \$1-a-year lease FOR THE PLAYGROUND ONLY...
- * 3 weeks later, the lease was cancelled BECAUSE OF THE TOXIC LEAD PAINT. End of story, said the Township.
- * We found Mr. Paul Carberry, an expert, who offered to encapsulate (cover) the lead for about \$6,000.
- * He inspected the school and told us that OUR NEIGHBORHOOD IS IN DANGER FROM THE LEAD-DUST BLOWING ON OUR GROUNDS AND PORCHES.
- * The BOCA Building Maintenance Code says that owners must remediate lead-paint dangers. The BOCA Code forbids a lot of violations that are OBVIOUS at the old School. The school premises are a blight on the neighborhood, reducing property values and threatening our health. THE TOWNSHIP WON'T ENFORCE ITS OWN CODE against [REDACTED] and [REDACTED]!
- * This year we complained to the STATE BOARD OF HEALTH at Trenton.
- * They sent a Field Inspector to investigate... 400 parts-per-million is permissible for lead. The front dripline at Bradley Park School has 10,000 parts-per-million!
- * THE STATE BOARD OF HEALTH TURNED THE CASE OVER TO THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION as a dangerous site.
- * We are told by the State DEP that the owners have been given 30 days to design a VOLUNTARY cleanup plan.
- * If they don't, the State COULD do the cleanup themselves and chargeback the owners THREE TIMES THE COST OF CLEANUP. Will they do that? We don't know...
- * THEY'RE FAR MORE LIKELY TO DO THAT if a neighborhood organization like FAMILIES UNITED is keeping tabs...

WHAT'S NEXT? Phone 774-0217

WE NEED TO TALK...

ABOUT WHY OTHER NEPTUNE TEENS
HAVE PARKS, CLUBS & PLAYGROUNDS

WHILE BRADLEY PARK
TEENS HAVE TO PLAY IN THE
STREET...

NEXT TO A LOCKED-UP PLAYGROUND!

COME
TO A



RALLY

THIS SATURDAY

12 NOON

AT BRADLEY PARK SCHOOL
TENTH & RIDGE AVES.

FOR MORE → PHONE



BRADLEY PARK NEIGHBORS!!!

WE'RE INTO ANOTHER LONG HOT
SUMMER



BREATHING LEAD-DUST FROM THE OLD BRADLEY PARK SCHOOL...



WATCHING OUR KIDS PLAY IN THE STREET BECAUSE
THE SCHOOL'S PLAYGROUND IS LOCKED UP...



SEEING OUR PROPERTY VALUES GO WAY DOWN BECAUSE
THE OLD SCHOOL IS AN EYESORE...

TOWNSHIP GOVERNMENT CAN HELP~
AND WE CAN HELP OURSELVES!!!
*COME TO A ROUND-TABLE DISCUSSION
TUESDAY, AUGUST 8, 6 TO 7 P.M.
AT THE NEPTUNE MUNICIPAL BUILDING
AT 25 NEPTUNE BLVD., IN THE MAYORS
CONFERENCE ROOM.

FOR MORE INFORMATION CALL FAMILIES UNITED AT



TOGETHER WE CAN MAKE A DIFFERENCE!!!

Bradley Park School: HERE'S WHAT YOU NEED TO KNOW

* Neptune's own 1997 RECREATION PLAN lists Bradley Park as the Number 1 area in need of a place for children to play.

* The same Plan says that, in this built-up area, there is LITTLE ROOM FOR A PLAYGROUND OTHER THAN BRADLEY PARK SCHOOL.

* NEVERTHELESS, WHEN THE SCHOOL CLOSED IN 1986, THEY SOLD IT TO PRIVATE SPECULATORS FOR \$100,000.

* Since then, our children have had to play in the street while the big playground is barred to them. (That we bought and paid for).

* March/April 1998: We urged the Township Committee to ask the owners if our kids can use the playground.

* May 1998: Good news! The Township Committee announced it had SIGNED A \$1-A-YEAR LEASE WITH THE OWNERS! Children could use the playground THIS SUMMER!

* Three weeks later, bad news: the Township Committee announced they had TORN UP THE LEASE because there is lead paint at the school.

End of story, they said.

* We didn't accept that. Why not fix the problem? We found an expert who can do that. May 22, 1998, we met at the school with our expert, with Committeeman McMillan, with some neighbors and a news reporter and about a dozen young people, ages 13 to 18.

* The expert made tests. He determined that the school is A DANGER TO THE ENTIRE NEIGHBORHOOD from flying lead-paint chips and dust!

The expert told the Township Committee that, for \$12,000, he can make the school safe for EVERYBODY by a process called "encapsulation" (sealing in the lead paint).

* So what did the Township Committee tell us? in effect?

**** It's the responsibility of the owner. End of story.

**** Bradley Park children have waited this long, they can wait longer. . .

THE TOWN FATHERS DON'T CARE ABOUT US. BUT IF WE JOIN TOGETHER AND YELL AND KEEP ON YELLING, WE CAN MAKE THEM CARE.

IT'S CHRISTMAS
IN MAY FOR
BRADLEY PARK!



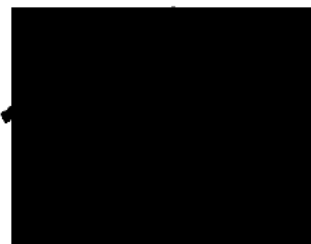
★ GOOD NEWS

THE TOWNSHIP GOT
STATE \$\$ TO TEAR
DOWN BRADLEY PARK
SCHOOL AND
MAKE US A PARK
OR A PLAYGROUND ~
NOW IT'S UP TO US
TO TELL THE PLANNERS
JUST WHAT WE WANT
DON'T MISS

MONDAY, MAY 14
TOWNSHIP COMMITTEE MEETING
7 PM. AT TOWN HALL MEETING ROOM
(NEXT TO NEPTUNE LIBRARY)



NEED A RIDE? PHONE



5/14/2001

URS Greiner Woodward Clyde

A Division of URS Corporation

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New York, NY 10119-0698
Tel: 212.736.4444
Fax: 212.629.4249
Offices Worldwide

January 18, 1999

Alfred Tavares
Project Engineer, Planning
Bureau of Mobility Strategies
NJDOT
CN600
1035 Parkway Avenue
Trenton, New Jersey 08625

RE: Route 33 Safety Improvement Study

Dear Al:

Enclosed are the raw results of the capacity analysis for the five main intersections of the Route 33 corridor. I have not prepared a formal write-up because I need further direction from you.

The first intersection I analyzed was Ridge Avenue. Unfortunately, it went from a LOS "D" under existing conditions to a LOS "B" with the three-lane section improvement. It was this initial analysis that I based my opinion on that the three-lane section would work for the whole corridor. This did not turn out to be the case.

Projected future traffic volumes were developed using the land use study prepared in the original CMS report for the newly generated traffic resulting from development and redevelopment of properties along the corridor. Year 2018 base traffic volumes were taken from data contained in a letter you sent to Warren S. Howard in October 1995. These data included design hour volumes for Route 33 and certain approaches to Route 33 from the side streets. There were also turning movement diagrams for the peak hours for 2018 for all the intersections in the study corridor. These two sets of data were used to project the 2018 volumes.

Five figures are enclosed showing the turning movement volumes for each of the five intersections analyzed for the PM Peak Hour.

The enclosed table shows LOS for existing conditions, the three-lane section improvement and the five-lane section improvement. With the projected future volumes, all of the intersections have poor Levels of Service. Four of them are LOS "F" or worse and one (Ridge Avenue) is LOS "D". The three-lane improvement is adequate for the intersections of Ridge Avenue and for the intersection with Route 71. The other three intersections operate at LOS "D" or "E" because the second through lane is needed to

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JAN 19 1999

**BUREAU OF MOBILITY
STRATEGIES**

DOCUMENT 10

handle the increased volume. With the five-lane section, these three intersections should operate at LOS "B" or "C".

I need to know what you want me to do from here. Are Levels of Service "D" and "E" acceptable? Are the projected future volumes too conservatively high? What do you need in the way of a report or write-up?

I have not had a chance to prepare that letter requesting additional fee for the additional work effort. I will get that to you before the end of the week.

Yours truly,

URS Greiner Woodward Clyde



Arthur B. Pratt, P.E.
Director, Transportation Systems

cc: D. Schellinger
R. Leonetti